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Explanation of Abbreviations

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Mr. Godia: Mr. Speaker, Sir, in supporting the adjournment of the House, I would like to request the Ministry of Economic Planning and Development, and the Ministry of Education, to do a bit of work for the country. The country has established a number of *Harambee* secondary schools on a self-help basis. The country would like these schools to be incorporated within the Development Plan of our country. Therefore, I would like to call on these Ministries to see that these schools are included within the Development Plan of 1966-70.

Another point which I have is with regard to land. Vihiga, in the Western Province, and also Ikolomani are densely populated and we would like Government to remove some people from this area, so that agricultural development plans can be finalized for the use of the land. Land should be found in Trans Nzoia and the Uasin Gishu for these people—The settlers are going back to Europe and this land in the Trans Nzoia and Uasin Gishu could be taken over, for our people to be settled there.

I would also like the Minister for Health and Housing to standardize the charges for treatment in hospitals run by voluntary agencies. Mr. Speaker, the fees in these hospitals differ greatly and I would like Government to bring about a certain standard so that all the fees charged in various hospitals could be standardized.

Lastly, Mr. Speaker, I would like the Ministry of Education to consider putting into practice before the Estimates for this year the Omindo Commission Report on Education. The country wants to see that the report is working by 1966. Therefore, to make it effective, it should be possible to publish this report before the Estimates, because if this is done, this country will be clear about the need for education which it has been looking for for many, many years. Mr. Speaker, I see that my time is up, so I beg to support.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, on a point of order, in view of the lateness of the hour, I move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I will now put the question once again, that the Mover be called upon to reply.

(Question put and agreed to)

POINT OF ORDER

WHEN A DIVISION CAN BE CALLED

Mr. Khalif: On a point of order, Mr. Speaker, since there is a doubt in my mind, could I call for a division?

The Speaker (Mr. Slade): According to our Standing Orders, when an hon. Member calls for a division, it is only if I have any real doubt or a number of hon. Members demand a division that there is a division. On a question of procedure, though, it is only when there is doubt, and I do not think there is any doubt.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I think I will not waste the time of the House any longer. I would only like to emphasize what the hon. Member for Kirinyaga has said and that is, that Members should take the time and trouble to explain to all the people what is meant by African socialism as set out in our Sessional Paper No. 10 of 1965.

Mr. Speaker, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House now stands adjourned until Tuesday, 1st June, at 2.30 p.m.

The House rose at seven o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1099

OWNERSHIP OF FIREARMS BY MEMBERS OF PARLIAMENT

Mr. Rurumban asked the Minister for Internal Security and Defence in what circumstances were Members of Parliament allowed to own firearms.

REPLY

The Minister for Internal Security and Defence (Dr. Munga): An application for a firearms certificate from any person in Kenya is considered on its merits and hon. Members of Parliament are no exception to this. Anyone who wishes to possess a firearm should apply on the normal application form through his nearest police station, for onward transmission to the Central Firearms Bureau and, depending on the case made in support of the application, a certificate, is granted or refused. An applicant who is aggrieved by a negative reply from the Central Firearms Bureau is at liberty to appeal to the Minister whose decision under the law, is final. Hon. Members will appreciate the importance of maintaining a tight control on the sale and use of such weapons.

[Mr. Nyagah]

We should pledge a part in this Government so that we are liable and right to bring these to the Government. These parts, whether districts, or constituencies, or locations or sub-locations have a right to believe this. It seems that, as I said recently in this House, last time, we have powers and these powers are ones which seem to move in a tug-of-war. This tug-of-war should be one on that side, one that side, one that side and one that side. Why should we have two only? Why not this side? We should have four. North, South, East and West. Four of them. That is what we want. It is very ridiculous, to say "as he said", as he said, and as he knows, and as he thinks, Mr. Speaker.

Hon. Members: Let him speak.

Mr. Nyagah: Mr. Speaker, we have to remember to be sentimental. To be sentimental is a very strong word. To be sentimental means that, for example, here is the Vice-President. You go to—

The Speaker (Mr. Slade): You are referring to me?

Mr. Nyagah: These are your two eyes. If you do not have two eyes, you buy a pair of goggles. They are very good. If—

The Speaker (Mr. Slade): Order, Mr. Nyagah, your time is up, I am afraid.

Mr. Nyagah: Yes, Mr. Speaker, I must just say—

The Speaker (Mr. Slade): Order, order. You must observe the time limit.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, on a point of order, I am wondering whether it is time now for the Mover to be called upon to reply, since, Sir, you gave a ruling that we are exhausting the Palantypists we have now. I think it is time that the Mover is called upon to reply.

The Speaker (Mr. Slade): I am very grateful to Mr. Mwanjumba for respecting the point I made, but I think that we should have one more speaker. I have just called Mr. Kibuga. After that I do think the House ought to entertain the closure.

POINT OF ORDER

SPEAKERS IN ADJOURNMENT MOTIONS

Mr. Khalif: On a point of order, Sir.

The Speaker (Mr. Slade): I hope you are not going to take up too much time.

Mr. Khalif: No, Sir, I am not trying to waste any time. I am only inquiring whether it is in order on such Motions, especially Motions on Adjournment, for the Mover to be called upon when quite a number of Members still have to speak? Myself, I have something to say which has not been raised by other hon. Members.

The Speaker (Mr. Slade): Order. I am quite sure there are other hon. Members who feel like Mr. Khalif about this. The position is that the closure can be moved in a debate whether or not it has a time limit fixed. This debate, by resolution of the House, is limited to allow the House a maximum of 1½ hours. We can still adjourn earlier by will of the House on the moving of the closure. It is the Speaker's responsibility not to allow the closure if he thinks it is an abuse of procedure or is unfair to a particular section of Members. For that reason, knowing the value hon. Members attach to adjournment debates and the fact that there is a time limit anyhow, I would not normally be in a hurry to allow the closure, but I have given the reason for having to allow it today.

(Resumption of debate)

Mr. Kibuga: Mr. Speaker, Sir, because the leader of the National Youth Service is here, and as he has said something about his service, I would like to point out something wrong in the and when it makes mistakes, they will be corrected immediately. I would like to point out that I have learned that some Members of this House are having about eighty members in the National Youth Service, whereas others are having only eighteen, the maximum. So, I hope, before we go further, while thanking the leader of the National Youth Service for the good job the youths are doing, he will be fair to everybody. If we are to be fair to one another, it is necessary that those who have a lot of youths in the service should be stopped from recruiting more, and the ones who do not have enough members in the service should send in more. If the hon. Member has any doubt, let us appoint a committee to go into the details and you will find that some have a great number. I would even point out there are rumours that the leader of the National Youth Service has eighty members.

Mr. Speaker, Sir—

Mr. J. M. Kariki: Mr. Speaker, on a point of order, Sir. As that is a very serious allegation, Sir, I would like the hon. Member to substantiate that I have eighty members in the Service, more than any other Member in the House.

The Speaker (Mr. Slade): You are quite entitled to require substantiation of a statement like that, even if it is said to be based on rumour. I have explained to hon. Members that they cannot escape their obligations and responsibility for a statement by saying that it is rumoured.

Either you must withdraw that altogether, Mr. Kibuga, or you must be prepared to prove it true, or at least produce evidence.

Mr. Kibuga: Mr. Speaker, Sir, I would like to keep that until next time, because—

The Speaker (Mr. Slade): I am sorry, either you must withdraw or produce the evidence now.

Mr. Kibuga: I will withdraw, Mr. Speaker, Sir, but at the same time I would like to point out to the leader of the National Youth Service that he should go into the details and find out whether these rumours are true or not.

The Speaker (Mr. Slade): Order. You cannot leave it like that. You must not evade your obligations, Mr. Kibuga. You must withdraw completely or you must undertake to produce reasonable evidence of what you said. No more.

Mr. Kibuga: I withdraw, Sir.

Mr. Speaker, Sir, I— Now you are annoying me.

Mr. Nyagah: Mr. Speaker, on a point of order, it is in order for me to ask the manager, or the head, or the leader of the National Youth Service, while referring to my friend on the opposite bench, why there was Kamau on my list and—

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

Mr. Kibuga: Mr. Speaker, as quite a lot of my time has been taken up, I will not go into details.

The other thing I want to point out is the question of the Paper we finished last week, the Paper on African socialism. Quite a lot of people in the country do not know what we have debated and what we have passed and I would like to request the Minister for Information, Broadcasting and Tourism to make certain that the people in the country understand what we are passing in this House. Just as it happened during the time of *Majimbo* when the Ministry took a lot of time and trouble to explain to the people where the regions were, what the powers of the Regional Assemblies were and what the powers of the county councils were, in the same way I would like the Ministry to do this.

Mr. Speaker, my time was taken up with points of order but I will sit down since I see my time is up.

The Speaker (Mr. Slade): You have yourself mainly to blame for the points of order.

The Attorney-General (Mr. Njonjo): Hon. Member, in view of what you said when this started, I commend the Members that these young ladies are working very hard, and, therefore, I submit that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I think it is time for the House to consider that question now; and I will go further, and take the very unusual course of asking hon. Members to accept this Motion.

(Question put and negatived)

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I want to speak on only three points.

First, I think the House should congratulate itself on passing the Paper on African socialism and I appeal that we all go out into the country during the recess to preach this in every province, and from every possible angle, in the country.

The second point, Mr. Speaker, is on the National Youth Service. The report on this has been very encouraging and I would ask the leader of the National Youth Service to look into the possibility of opening up some parts of this country which are, indeed, very remote. I have in mind, Mr. Speaker, some people in my constituency who are inaccessible due to the non-existence of modern forms of communication. We can never get to them because of the roads. If we can have a unit, or half a unit, or quarter of a unit, stationed in any part of the country and these people to come up to the country by having these people to catch where we can go and tell them what Kenya is like, and what is going on, I would be very grateful. This should be done in places like the Lumbo Valley where one needs to go right into the depths of that part of the country.

My third and final point, Mr. Speaker, is in agreement with the hon. Member for Ndia. No agreement with the hon. Member for African socialism, we should appeal to the Press to be very objective and to the Ministry of Information to try and explain to the people and tell them what the implications of the Paper contains, the implications of this country's finances in implementing everything that is contained in the booklet, and hope that all our people, from now onwards will march, all with the same step.

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

[The Speaker] order. If it is heard at all by some other hon. Member who takes offence at it, it is out of order. We cannot have these casual remarks which give offence, any more than we can have speeches which give offence.

MOTION

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Speaker (Mr. Slade): I will now call upon Mr. Odinga to move that this House do now adjourn.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to move that this House do now adjourn until Tuesday, 1st June 1965.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

The Speaker (Mr. Slade): As I have said, it is too heavy a strain on the HANSARD staff to ask them to sit very much beyond the time for rising, so I will ask the House to allow the closure not later than 7 o'clock.

Mr. J. M. Karuki: Mr. Speaker, Sir, I would like to take only a few minutes in explaining to this House something in connexion with the National Youth Service. Today, Sir, we have over 2,600 servicemen in the service, and most of these have been now promoted to salaried posts. I would like to mention to this House that we have already promoted some of the servicemen who were brought to us earning Sh. 20 a month, from Sh. 20 to Sh. 800 a month.

An hon. Member: Where do they come from?

Mr. J. M. Karuki: Mr. Speaker, Sir, I am asked by the hon. Member where they come from. I would like to take this opportunity in saying that ours is a National Youth Service to cater for the whole country, and I would like to say that one of them is a Luo, the other a Masai, one a Kikuyu, and a fourth a Rendile. These have been promoted because of their capabilities. That is what is taken into consideration in our National Youth Service.

Sir, we have already opened about four units, and these units are in Nairobi, Mombasa and Gilgil, and we are planning to open other units in Nyanza and Western Province of Kenya. Now, Sir, I would also like to take this opportunity of saying that although these units are there to recruit the servicemen who are brought in, there are, of

course, some projects which have already been taken by the National Youth Service. These, of course, are undertaken like Athi River, where we have fenced the road through the National Park so as to enable more tourists to travel. This is because the Minister for Information, Broadcasting and Tourism has been speaking in this House urging the Government to do all that it can so as to attract more tourists to come to this country. So we are also going to help in clearing the bush from the roadside in the National Park; we are going to help in clearing the forests and also we are going ahead in developing farms in Gilgil. Also, Sir, I would like to mention that the project on Broderick Falls is going to be started some time in June.

Now, Sir, there must be some sort of questions asked by the hon. Members in this House as to why we have not reached the mark of about 3,000 men. This is merely because some of the calling-up notices which I gave the members, most of them have been mislaid. They are either mislaid in the Post Office or somewhere else. You will notice from now on that the notices which were sent by us in May do not bear any date for the service, this is so because if you bring your youth from the 1st May to the 30th May then they will be taken into the service. This will avoid the unnecessary delay which has been going on.

Now, Sir, I would like to say that arrangements are now in hand to open another field unit at Yala in Central Nyanza, even before the wind has blown for another two months. Another two will be opened in other areas. Now, Sir, we are hoping to move ahead and put some people to assist the control of tsetse fly at Nyanza, at a place called the Nyala River Basin. We hope that other schemes will be considered by the Government and that this House will approve, because what we need in our service are the projects which can be carried out by the National Youth Service as today we are under the pressure from other Ministries as to how we can take up such projects, but in the first instance we did not have these projects. We now hope and trust that this Government will give us more projects to do, because down at the Coast we are lacking such projects except one which we are going to start quite soon, which will be to build houses for the Mombasa residents in the near future. Now I hope that the good intention of our Government for the National Youth Service will continue, and that the intake will continue, even if I am out of this country.

Mr. Ngala-Abok: Mr. Speaker, Sir, I just want to speak about two items, and the first one is the

[Mr. Ngala-Abok] question of consolidation instructors who should be sent to South Nyanza as a matter of urgency, because the people in the area have agreed to consolidate the land and our Paper on African socialism dealt with quite a bit of emphasis on the subject of land consolidation, so as to allow the people to get land title deeds and to be able to borrow money for land development. We do not want our Government to state a lot of these things in the Paper and then let their country know of their intentions, if on the other hand we find that the Government is very negative on the question of implementation of what they said, then I think in other parts of its own area, and I think in other parts of Kenya, people have agreed to land consolidation. There is no question of any members of the public and the representatives of the people not working enough to convince the people as to the usefulness of land consolidation.

So, Sir, I would like the Government to take this very much into account, particularly when proposing the Budget in June, in terms of increasing the number of officers to handle land consolidation. We realize that we cannot make very much profit, we cannot help this country very much with our Paper on African socialism if the policy of the President, "Go back to the land" is not followed. It is useless also, on the other hand, to follow that policy if the people go back to the land only to attend court cases, because people had here and there that they cannot agree or the demarcation of somebody's land. Therefore, I would like to appeal to the Government that while they talk so beautifully, they should seriously think in terms of implementing the most important project like land consolidation. It is vital that the Government should do something about it, and particularly my district of South Nyanza, where land consolidation is getting very neglected. There is a place called Kasipul-Kabondo, the hon. Mr. Ayodo's constituency, where they have about two or three land consolidation officers, but that is not enough.

South Nyanza is a very big district, the largest district in Nyanza, and should have as many people as possible capable of leading the people on the question of land consolidation. So, Mr. Speaker, Sir, I wish to make that very clear to the Government. We do not wish to play with words. We want to say little, because it is better to say little and implement what you say, but we do not say so much, then sit back, and wait for some of your political opponents to out you so that you have said so much and you do not know if that money is going to be available for

implementing what you say. All these people ask, when we go back to consolidation is as to how we are going to deal with their problems practically. We find it very difficult. When we come here we ask where are the officers to help our people consolidate their land, and we are told that there is no money so in the end we do not know where we are going.

Another thing is, Mr. Speaker, Sir, free education. If we are going to implement that Paper on the question of education, although the Paper does not say that free education will be available, we must start reducing the fees standing and at the same time tapping other sources which have not been tapped, and try to help our people to get an education. Education is an investment; if a poor man's child can get free education then this will pay. But if he is taxed on the child, taxed on personal tax and other things, then he is probably going to ask his child to stay at home, which is a dead loss. It is nonsensical for a Minister to tell us that if we have free education we must put our money on income up. It does not matter, but allow the poor man's child to learn. It does not matter if the Government increases Income Tax or Personal Tax, it is up to the Government to suggest the best way of making sure that all children learn. I do not mind if the Government taxes me double, and I am sure some other people will be concerned far as implementation of the paper is concerned the people should be made aware of this.

Mr. Nyagah: Mr. Speaker, Sir, I would like to say one or two words. It is a very difficult, Mr. Speaker, Sir, for instance if the construction of roads. I do not mean the roads made of dirt and the construction of everything, the doing of anything and everything, for example, in Kiambu, Nairobi, Nyanza or Mombasa or anywhere. We should be very sentimental. If we are at all the leaders of Kenya or Members of this Parliament, we should be sentimental on some grounds. What are these grounds? These are many people. I should say: The grounds are these: many people. A Minister from Embu, from any place, his brother has some children. He should be as sentimental as anything in terms of humanity so that he can really be a human being so as to serve the people that he represents. He is not interested in the people of one location, or one constituency, or one district, or one Province, but the people as a whole.

Now, Mr. Speaker, here I have an example. I should say something about this. We always refer to the Western Region or to Mombasa, or to Kiambu, or to Nairobi. But we have some other places which should be referred to and

The Chairman (Dr. De Souza): I do not want any more speeches now.

Mr. Oduya: Mr. Chairman, I do not want to make a speech; I only want to raise a point of order.

The Chairman (Dr. De Souza): Mr. Oduya, you must sit down immediately or leave the Chamber.

I will now put the question that the Mover be called upon to reply.

(Question put and agreed to)

Mr. Oduya: You are all thieves.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir—

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): On a point of order, Mr. Chairman, is it in order for an hon. Member of this House to refer to other Members as thieves?

The Chairman (Dr. De Souza): I am sorry I did not hear any hon. Member say that. Who said that, Mr. Odera-Jowi?

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): It was Mr. Oduya.

The Chairman (Dr. De Souza): Mr. Oduya, did you call anybody thieves?

Mr. Oduya: I said that since I was not given a chance to speak my mind on the money that is being spent, then they are thieves.

The Chairman (Dr. De Souza): Mr. Oduya, please answer my question. Did you call anybody thieves?

Mr. Oduya: I said they were becoming thieves, yes.

The Chairman (Dr. De Souza): Now, Mr. Oduya, please withdraw your remarks.

Mr. Oduya: If I am refused an opportunity to speak in this House on the money that is to be spent—

The Chairman (Dr. De Souza): Mr. Oduya, will you please withdraw your remarks that we have become thieves, or leave the Chamber.

Mr. Oduya: Yes, I think I will go.

(Mr. Oduya withdrew from the Chamber)

An hon. Member: Thief, thief.

The Chairman (Dr. De Souza): Order, order. I have sent one person out for shouting such

remarks as "thieves" and I will not have another person starting the same because he will be asked to leave the Chamber as well.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Chairman, on a point of order, if the hon. Member has said in this House that we are becoming thieves, it means that he believes he is a thief? Is it not right then that we should call him a thief?

The Chairman (Dr. De Souza): It is not in order for anybody to call anybody else a thief, and any person who does that will be asked to leave the Chamber.

Mr. Gatugutu: On a point of order, Mr. Chairman—

The Chairman (Dr. De Souza): Are you on a point of order? All right, this will be the last point of order.

Mr. Gatugutu: Mr. Chairman, the hon. Member has just walked out of his own accord after uttering an offensive word in this House. I want to find out from you whether this House has any powers whatsoever to deal with such a Member in order that we maintain the dignity of the House? You could see, Mr. Chairman, that even when he was walking out he did so as if he was being rude to the Clerk, without respect to this House.

The Chairman (Dr. De Souza): I will explain this to the Speaker and leave it to him to decide. As you know, the Speaker has powers to deal with this and I will therefore leave it to him to decide what to do.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I want to say that it is most unusual in other countries to debate the emoluments of President in the manner that we have done today. It is good that they should be criticized but I think we ought not to be so emotional about it.

It is normal procedure for all Heads of State to be exempted from paying tax, and I am not in a position to produce any breakdown of the allowances or any of the other emoluments.

Mr. Chairman, Sir, without wasting any more time I would commend that this Motion be unanimously carried as it is important, and it is good that we should put these things in order. The reason why we have brought it is just to regularize the position.

Hon. Members: It was carried yesterday.

The Minister for Finance (Mr. Gichuru): It was? It was carried yesterday? In that case, Mr. Chairman, I beg to move.

Mr. Masinde: On a point of order, Mr. Chairman, Sir, it is now the practice in this House that Members, when they are discussing various Bills, become very over-excited, and I do not know whether it would be in order for you to suggest the removal of the glasses and bottles, so that they will not be thrown if the Members become too excited?

The Chairman (Dr. De Souza): Mr. Masinde, I do not think this is a point of order, and what is more it is in very bad taste to make such an order. I do not think hon. Members have been so over excited as to come anywhere near the position of trying to throw glasses, and I think it is a very bad reflection on hon. Members to make suggestions like that.

We will have no more points of order, because I want to put the question in the terms proposed.

(Question put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of this resolution and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Report

SALARY AND ALLOWANCES OF PRESIDENT

Dr. De Souza: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the following resolution and its approval thereof without amendment:—

THAT this House, having noted the requirements of Section 35 F (1) of the Constitution of Kenya Amendment Act 1964, resolves that the salary and allowances of the President of the Republic of Kenya shall be:—

Salary	£7,000 p.a.
Duty Allowance	£4,500 p.a.
Entertainment Allowance	£2,000 p.a.

and further does, in accordance with Section 12 (3) of the East African Income Tax (Management) Act, 1958, resolve that such salary and allowances as are payable to the said President shall be free of income tax.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Resolution. Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

POINT OF ORDER

CONDUCT IN THE CHAMBER

The Speaker (Mr. Slade): Order, Mr. Odunga, if you were thinking of moving the adjournment of the House until a day other than the next sitting day, I think you will have to do so now, and leave this last Order until we sit again; and even so, I will have to ask the House to allow a very short debate this time on the adjournment, because of the extreme pressure on the HANSARD reporters. They cannot take very much more.

Mr. Gatugutu: On a point of order, Mr. Speaker, when we were debating the Motion that we have just passed, there was an occurrence by an hon. Member which was offensive, and he walked out without withdrawing it, and I think the Deputy Speaker said that he will put it to you for ruling.

The Speaker (Mr. Slade): I gather that the question is whether there should be any more disciplinary action taken than has already been taken by sending the hon. Member out of the Chamber. It rests on the Speaker, or the Deputy Speaker, as Chairman, to decide whether to name a Member and invite the House to suspend him from the House. I presume that the Chairman did not feel so disposed himself to go that far in this case, and I could not do it without knowing the full circumstances. It does rest with the Speaker to decide whether he invites the House to suspend the Member from the service, but it has to be a serious case. If on a full report to me on what happened in this case, I thought that the hon. Member should be named, I would do so, but we would have to wait until we sat again.

Mr. Ngila-Aboki: On a point of order, Mr. Speaker, there is a habit here for hon. Members to stand up on a point of order when another hon. Member, sitting like himself, whispers something, probably to the ear of another hon. Member, and ask whether it is in order for a Member to say this and that, and yet there was no reference to him whatsoever. So, under what Standing Order does this come, that an hon. Member stands and accuses other hon. Members sitting like himself on a point of order?

The Speaker (Mr. Slade): I think I dealt with this question before. Language that is an offence to other hon. Members is forbidden in this House; and if an hon. Member utters an offensive remark, either that the Speaker hears, or of which another hon. Member complains, and the Member concerned acknowledges that he has said it, it can be dealt with as a breach of

The Assistant Minister for Information, Broadcasting and Tourism (Mr. Onamu): On a point of order, Mr. Chairman, I think it is time you told us when the Member is in order or not in order. The President of the country should be respected as such; are we going to go into details of his personal emoluments and so on?

The Chairman (Dr. De Souza): We have here a Motion asking for a certain salary for the President. It is being debated—

The Assistant Minister for Information, Broadcasting and Tourism (Mr. Onamu): But he is touching on other things which are surely not relevant?

The Chairman (Dr. De Souza): Please sit down, I am making a ruling. Order, order.

If these interruptions continue, I will have to ask the Speaker to suspend the sitting of the House; either hon. Members are going to obey the Chair and keep quiet or the House will be suspended.

Please sit down, Mr. Onamu.

Either hon. Members are going to remain silent and obey the rulings of the Chair or today's sitting will have to be suspended. I realize that this is a very sensitive Motion. I also realize that when hon. Members speak to this Motion and some persons oppose it, they may say things that other hon. Members think are very bad. I, myself, may think they are very bad; many other hon. Members may think they are very bad, but there has to be some chance of debate. If there is going to be no debate at all, and if we are going to say that there should be no debate at all, then there is no point in having a Motion. Persons are entitled to oppose, whether we like it or not. This is a free country and we are going to allow persons to oppose this Motion, which they are entitled to do by law, although we may think they are doing wrong; but if they want to do so, then we have to give them some chance of speaking. If every hon. Member is going to shout and interject and try to shout them down, then there is going to be no debate at all. So I only appeal to hon. Members to let Mr. Khalif finish and then to reply as strongly as they want. All hon. Members will be given an opportunity to reply to him.

Mr. Khalif, keep it short and do not make personal references to the President. You do understand, I do not want any personal references to be made to the President. You can make references to the particular Motion. Continue.

Mr. Malsori-Itumbi: On a point of order, Mr. Chairman, how long is one allowed to speak on this particular Motion?

The Chairman (Dr. De Souza): There is no limit. The Standing Orders say that a person can speak as long as he wants, and I cannot ask him to sit down unless I feel that he is guilty of tedious repetition.

Carry on, Mr. Khalif.

Mr. Khalif: Mr. Chairman, I would have finished a long time ago if there had not been so many interjections.

Now, Sir, in spite of all the interjections, may I conclude by asking several questions. Taking into consideration the entertainment allowance of £2,000 per annum, before the House approves this, could we have a breakdown of the number of parties the hon. President is supposed to hold per annum?

Sir, I have exhausted my points and I would like to support the amendment.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Chairman, Sir, I—

Mr. Mullro: On a point of order, Mr. Chairman, are you not going to propose the amendment?

The Chairman (Dr. De Souza): Yes, quite right; I beg your pardon, I forgot.

(Question of the first part of the amendment that the words proposed to be left out be left out proposed)

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Chairman, Sir, I rise to oppose this amendment very strongly. It is stated that the President would get £7,000 and it is a pity that some Members have seen it fit to criticize this emolument which is very reasonable, and, knowing the burden that the President has to bear as Head of State, I think this figure quoted here of £7,000 per annum, plus this duty allowance of £4,500 and entertainment allowance of £2,000, is low and, in my opinion, should be enhanced. Mr. Chairman, the President of this country should not be subjected to being in an inferior position in comparison with that held by Presidents and Heads of State of other countries. If we expect to have a dignified country, we must have a dignified Head, too.

The Member who has just spoken says that it has been requested that these emoluments should be free of income tax, but what is wrong with

(The Assistant Minister for Works, Communications and Power)

that, Mr. Chairman? After all, the allowances of hon. Members here are free from income tax, so why have we not raised an outcry and said that we want these to be taxed also?

Secondly, Mr. Chairman, it is a pity to say that this is a waste of public funds, when we actually know that in the North-Eastern Region today we are wasting a lot of money.

Mr. Chairman, although this salary will apply to any other President in future, the President of Kenya at the moment, the hon. Jomo Kenyatta, deserves more than this allowance because he has done a lot for this country—

Mr. Makore: On a point of order, Mr. Chairman, are we discussing the salary of the President or do we have a particular person in view?

The Chairman (Dr. De Souza): That is not a point of order. I see your point, but obviously say, hon. Member, when he is discussing this Motion, does he have a particular gentleman in view, so I think I can understand that. It is all right, I think your point is understood, but it is not a point of order.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Chairman, although I did raise that this figure will apply to any other President in future, I take exception on the question of trying to refer that salary when it is paid to the President is a waste of money. On the other hand, Mr. Chairman, there is mention of where African socialism came from. Where did it come from? It never came from Africa. African socialism has been in this country and nobody has brought African socialism here.

Mr. Shikuku: On a point of order, Mr. Chairman, is the Assistant Minister in order to mislead? I did raise that this figure will apply to any other President in future, I take exception on the question of trying to refer that salary when it is paid to the President is a waste of money. On the other hand, Mr. Chairman, there is mention of where African socialism came from. Where did it come from? It never came from Africa. African socialism has been in this country and nobody has brought African socialism here.

The Chairman (Dr. De Souza): I am sorry I did not hear what he was saying at this particular moment. If you are misrepresenting any hon. Member, Mr. Bomett, I would like you to apologize and withdraw.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Chairman, Sir, I have not misrepresented anybody in this House. I have only said that if there is any hon. Member who believes that there will come a day

when an African in this country will own nothing then he is under a great disillusion.

Mr. Chairman, I feel that for anybody to think that someone has said that the President is already very rich is really a pity, because we know that if we read in history, we see that Presidents such as Nkrumah and others have done a lot for the public and will die without any wealth. Those who are in this House know that there is nobody here—probably the Members who have spoken are rich—who does not know that the emoluments of the Members are quite inadequate. This applies to the President. I do not want to elaborate.

We should all have tried to pass this unanimously. I beg to oppose.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I stand to say that the Government rejects the amendment completely.

The Vice-President (Mr. Odings): Mr. Chairman, Sir, having heard all the statements and also the reasons put forward, I think that there is no more to be said on this matter and, therefore, I beg to move that the question be now put.

Hon. Members: No! No!

The Chairman (Dr. De Souza): Order, order. I think in view of the fact that this debate is likely to arouse more passion than is necessary, I will put the question.

Mr. Odinyi: On a point of order—

The Chairman (Dr. De Souza): There is no point of order on this. I have ruled that I am going to put the question and there will be no further points of order now.

(Question that the question of the first part of the amendment be now put and agreed to)
(Question of the first part of the amendments that the words proposed to be left out be left out put and negatived)

The Vice-President (Mr. Odings): Mr. Chairman, I beg to move that the Mover be called upon to reply.

Mr. Odinyi: On a point of order, Mr. Chairman, I think it is a crime to the nation—

The Chairman (Dr. De Souza): Order, order. Mr. Odinyi, I run this Committee and I now request you to sit down. I do not want any further remarks.

Mr. Odinyi: Mr. Chairman, I want to make a point of order.

[Mr. Shikuku]

With these few remarks, Mr. Chairman, I beg to move the amendment.

The Chairman (Dr. De Souza): I have just consulted with the Speaker and I have discovered that you have to give the amendment in writing. It has to be in writing, but notice is not necessary.

Mr. Khalif: Mr. Chairman, Sir, I must second this amendment because, Sir, after very thorough calculations I come to see that the salary per annum, the duty allowances and the entertainment allowance altogether amounts to Sh. 22,500 per month for the President, Sh. 750 per day and Sh. 93 per hour. Sir, this is definitely a waste of public money.

Hon. Members: Question, question.

Mr. arap To'o: On a point of order, Mr. Chairman, is it in order for the hon. Member who has just sat down to say that the salary which is being paid to the President is a waste of public money?

The Chairman (Dr. De Souza): He is giving his opinion. I think it is in order technically for him to do so, though I would rather he did not say so. Let him finish.

Mr. Gibeoya: On a point of order, Mr. Chairman, is it in order for an Assistant Minister to tell the hon. Member to go back to Mogadishu?

The Chairman (Dr. De Souza): No, no, it is not in order for anybody to say that. If anybody said that, he must withdraw it. Did anybody say that?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Chairman, Sir, I only shouted "Voice of Mogadishu". I did not say anything.

The Chairman (Dr. De Souza): Even that is offensive. If you did say that he has got to go back to Mogadishu or that he is the "Voice of Mogadishu" particularly in terms of the present relations with Mogadishu, I think it is offensive.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Chairman, I did not mention the hon. Member, I was not referring to the hon. Member.

The Chairman (Dr. De Souza): All right, we will accept that and continue.

Mr. J. M. Kariki: Mr. Chairman, I would like to have your guidance on this. When an hon. Member is speaking to this House and another

Member is heckling a Member who may not be the right person speaking, is it in order for him to be told to withdraw an allegation which he did not make directly to the person and is that not a waste of time of this House?

The Chairman (Dr. De Souza): I do not quite understand. Let me make this quite clear. A certain amount of heckling and interjection is always permissible, and, in fact, it makes debate lively, but if this heckling or interjections are offensive, and I have to rule whether they are offensive, it is not always easy to say that such a remark is offensive and another is not. If it is offensive, then naturally I ask the hon. Member to withdraw. If I find it is not offensive they continue. Now do continue.

Mr. Khalif: In any case, Sir, the duty allowance here shows that it is more than half of the salary. I do not know, Sir, what this is for. The President as a public servant claims all sorts of allowances, he undertakes duties, for example, touring provinces. Then, I do not know why duty allowances should be paid as much as £4,500. Another thing, Sir, which I would like to mention is that amongst other allowances the President is supposed to get per annum, not including these voted here, are travelling allowances, hospital allowances, disturbance allowances, entertainment allowances, honorary allowances—

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Chairman, can the hon. gentleman quote from the Estimates all these allowances that he is now referring to, because this is giving the whole country the wrong impression?

The Chairman (Dr. De Souza): Mr. Khalif, can you substantiate your allegations?

Mr. Khalif: No, Sir, I did not say the President is getting this allowance, I am speaking to you; or are other hon. Members speaking?

The Chairman (Dr. De Souza): Continue speaking.

Mr. Khalif: I said that the President is supposed, I did not say that the President gets these allowances. If that information is wrong, then I can be corrected.

The Chairman (Dr. De Souza): But you are not making an allegation are you?

Mr. Khalif: No, Sir.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Chairman, as more and more allegations or more interjections

[The Assistant Minister for Education] continue, I think, Sir, is it quite out of order for say hon. Member to refer particularly to the hon. Member who was speaking as a *Shifja*?

The Chairman (Dr. De Souza): It is perfectly out of order. I think the Speaker has said before that anybody who calls any other hon. Member a *Shifja* will be asked to leave the Chamber. If I hear any particular hon. Member say that I will ask him to leave the Chamber.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Chairman, now that the hon. Minister for Finance has corrected the hon. Member's supposition, is it not now in order that the hon. Member speaking at the moment should withdraw the misleading statement which was given to the House, the nation and the world?

The Chairman (Dr. De Souza): He said that he was not making an allegation, he was merely saying that this is what he had heard and the Minister has corrected him and I think you have withdrawn, have you not, Mr. Khalif?

Mr. Khalif: Yes, Sir. I do not know what is so serious about this Motion, Sir.

We are supposed to agree to this Motion, and if there is any opposition it is logical; this is a democratic country and I do not know why people should shout when I say that the President should not get all this money. It is a waste of public funds, and I can say it is a waste of public funds.

Sir, I feel a duty allowance should not be paid merely because the amount of work the President is normally required to do has increased. I am saying this, Mr. Chairman, Sir, because the Minister has just indicated that the Governor-General used to get this and that; but we did not agree here, in this House, that Governor-General should get that. If that was colonial rule, then this is independent Kenya. It is our aim to decrease the range of income between a casual labourer and the President. Mr. Chairman, we cannot speak of African socialism or about allowances. I am always ready to have my allowances reduced by 20 per cent. We cannot speak of African socialism and at the same time increase the salary of the President to Sh. 22,500. Sir, the other day we had a strike in Nairobi and the workers did not want to get Sh. 22,000 salary per month but Sh. 120, and they were rebuked by the Minister for Labour, that these people are always told this and that. Now, Sir, if some of our workers could be rebuked for striking to get

Sh. 120 a month, why should we sit in this House to approve Sh. 22,500 for the President?

Mr. Chairman, there can be many interjections, but they do not make me lose my points.

An hon. Member: Keep them short.

Mr. Khalif: I will speak lengthily, very lengthily.

Sir, in supporting this amendment, moved by the hon. Mr. Shikuku, I would like to point out that—

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Chairman, is it in order for a Member to support an amendment which was invalidated by—

The Chairman (Dr. De Souza): No, no, it was not invalidated; he has to put it in writing, that is all.

Mr. Khalif: Mr. Chairman, I quote, "... and further does, in accordance with section 12 (2) of the East African Income Tax (Management) Act, 1958, resolve that such salary and allowances as are payable to the said President shall be free of income tax." Sir, I really do not know how we could allow a salary of Sh. 22,500 to be free of income tax when a salary of Sh. 800 is subject to income tax.

An hon. Member: This is for the President.

Mr. Khalif: Sir, an hon. Member says this is for the President, but it must be understood that the President is to give the people an example. The President should be the first person to demonstrate in a practical manner the paying of income tax and graduated personal tax. Sir, it seems that we want to make the President immune from income tax, or at least it seems that we want to make Sh. 22,500 which the President is supposed to get immune from income tax. Then I do not know why income tax should ever exist, if a wealthy man like the President—because he is a very wealthy man—is allowed—

Mr. Maitiri-Inamba: On a point of order, Mr. Chairman, is it in order for you, as Chairman, to give your ruling for the hon. Member to address the Chair when speaking and not to point at Members?

The Chairman (Dr. De Souza): It is not necessary for hon. Members to look at the Chair or, for that matter, to point at the Chair; they can look at anybody else and point at anybody else; as long as they address their remarks to the Chair, it is in order.

(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 KENYA BROADCASTING CORPORATION (NATIONALIZATION) (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Kenya Broadcasting Corporation (Nationalization) (Amendment) Bill and its approval thereof without amendment.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onekko): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onekko): Mr. Speaker, Sir, I beg to move that the Kenya Broadcasting Corporation (Nationalization) (Amendment) Bill be now read the Third Time.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

(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 (Dr. De Souza) took the Chair]

MOTION

SALARY AND ALLOWANCES OF PRESIDENT

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I beg to move:

THAT this House, having noted the requirements of Section 33 F (1) of the Constitution of Kenya Amendment Act 1964, resolves that the salary and allowances of the President of the Republic of Kenya shall be:

Salary	£7,000 p.a.
Duty Allowance	£4,500 p.a.
Entertainment Allowance	£2,000 p.a.

and further does, in accordance with Section 12 (2) of the East African Income Tax (Management) Act, 1958, resolves that such salary and allowances as are payable to the said President shall be free of income tax.

Mr. Chairman, Sir, this House is well aware that the scales of the salary and allowances which the Motion invites in this House to approve are no different from the payment made to the Governor-General we had before independence. All hon. Members will appreciate that the duties of the President are more onerous financially than in the case of the Governor-General. This Kenya has to deal directly with her own international duties, let alone the numerous duties that the President has to undertake over and above the duties borne by his predecessor throughout the country. It would then follow that the President should be accordingly remunerated. The Government, however, considers—and I am sure this House will agree—that our first President will be satisfied with the remunerations sought by this Motion.

One other point is that the approval of the Personal Emoluments outlined in the Motion will necessitate no additional expenditure over and above what we incur on the Governor-General. I therefore sincerely trust and believe that this House will accept the Motion without a debate.

Mr. Shikuku: On a point of order, Mr. Chairman, is it in order for some people sitting on the Front Bench to move and lie on the Table making it impossible for you to see anybody standing up? Is it in order for hon. Member to obstruct other hon. Members in this House?

The Chairman (Dr. De Souza): I see your point of view, Mr. Shikuku. I will bear that in mind and I can assure you that you will not be overlooked.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Chairman, seconding this Motion, I would like to point out that truly speaking the President has Governor responsibility, much more than the Governor-General had. These days, Sir, our President receives a lot of diplomats from all those countries with which we have established diplomatic relations, and surely this means a lot more expenditure than the Governor-General had to incur. As a matter of fact, I would like to agree with the hon. Member that the President deserves a little bit more.

(Question proposed)

Mr. Shikuku: Mr. Chairman, some of us happen to be short.

[Mr. Shikuku]

I would like to make it known to the hon. Member and to the House that personally I do not have any grudge against the President's salary and emoluments, but I would like to point out quite clearly that it was just a few days ago when we decided in this House that we should have African socialism. Taking this into account, we must also take into account the effects of African socialism and he must make the ordinary man and woman in the country know that we are for socialism and are not going any higher, but actually coming down to try and get everybody a piece of bread. The argument—

Mr. Oduya: On a point of order, Mr. Chairman, since we are very interested in listening to the hon. Member for Butere giving his views, is there anything that the Chairman can do to help us to discipline, particularly, the two Ministers, the Minister for—

The Chairman (Dr. De Souza): No, no. It is quite improper. It is my duty to observe that a reasonable amount of silence is maintained and I can assure you, Mr. Oduya, you do your part of beklung as much as anyone else.

Mr. Shikuku: Mr. Chairman, I will take as short a time as possible if the hon. Members will give me a chance. What I am trying to say is that I am not against the President. I am only talking of the salary which has been put before us here to discuss, and as the Member for Butere I think I am entitled to have different views from the rest of the House, but please, for Heaven's sake, let me speak.

One thing I know, the argument so far aired by the hon. Member, is that the former Colonial and Governor earned the same salary as this, and in view of the fact that the President has so many duties to do, he has to have something quite reasonable, like that which the Governor-General had. I wish to refute this most emphatically. The Governor, it must be understood was a person who was here to exploit the people of this country, but here we are now faced with the building of the nation, which requires money. As such, there must be some sacrifice from all of us, not only the President. Therefore it is illogical to talk in terms of the Governor-General had this, and then the President must have the same. We are now talking about building the country, not exploiting the country as the Governor-General did, if it is a question of expenditure and duties, this much I know. We are a republic, and we have so many people coming into this country from other countries to visit us. This is accepted, but let us now go to

African socialism. When they come here, the question of expenditure arises because they have to eat big cakes. We according to African socialism, must give them the big cake of Kenya which is real and which is not expensive.

The expenditure is not going to be the criteria of the increment of the salary at all, because whether we like it or not, we have problems on our hands; the problems of the people who are unemployed. We must reduce the salaries of the President, the Vice-President, the Members of Parliament and everybody so that we can save some money to employ a lot of the hungry men in the street. Mr. Chairman, I suggest that even our own salaries be deducted by 20 per cent. This will be a sign of African socialism. We must make the ordinary man and woman in Kenya feel that we are really bringing in a new thing, and they can only feel that when we reduce all the salaries of everybody in the country by 20 per cent in order to employ more people, so that the people will always remember when African socialism came, the President's salary was deducted, as well as everybody's salaries, and as a result, our people got employment. We must remember that we cannot go on preaching, holding papers in our hands, shouting about African socialism, or this and that. People will never listen, Mr. Chairman; you are a Christian and you know very well about Jesus the Son of God, and who, according to and from that day, the people food at a meeting, he had called Jesus a good man. We want the President of this country, or any future President to be called good by everybody of this country, and for Government to be called a good Government, it must give as much as possible to our people to eat so that it can be called good. We cannot be called good when we give such large sums of money to a person or future person to be President.

As such, Mr. Chairman, I beg to move an amendment: I feel that an amendment must be made here: Instead of the salary of £7,000 per annum; I make it £5,000 per annum. Duty Allowance, which is £4,500 per annum, I make £3,000. Entertainment Allowance of £2,000 I leave as it is because there are so many people to see it because there are so many people to visit the President. The total will be brought down to £10,000 per annum, which will give the President Sh. 16,666/67 etc. per month, which is sufficient. I feel that this is a reasonable thing and we can also, when the time comes for deduction 20 per cent of every salary, this will also deduct 20 per cent of every salary, this will also be done so that we can get something for the people of Kenya who are hungry and unemployed at this. Will promote the Uthmaniyah Tumbiko policy.

An hon. Member: And uneducated.

Mr. Gichoya: He was backward, educationally backward.

So, the same situation might arise here, where we are giving these people too much power under the law, whereby a man is entitled, in a Republic of Kenya, to be arrested under a warrant. If he is to be arrested, it is clearly stated that no person will be arrested without a warrant of arrest. That is why we are trying to avoid it, or to amend it, so that the man cannot be arrested by mere suspicion—

The Chairman (Dr. De Souza): Mr. Gichoya, I think you are beginning to repeat yourself. I think you have made your point.

Mr. Gichoya: I am coming to a conclusion, Sir. I want us to have specified persons, an officer to operate these particular laws, an officer in the rank of sub-inspector upwards to a Commissioner of Police, and not anybody else. This is a special case, it is running away from the normal operation of the law, whereby you are supposed to be given a warrant. Here you are being arrested by mere suspicion, as used to happen during the emergency. For that matter, Mr. Chairman, special arrangements must be made as opposed to the normal arrangements which are prevailing in the previous Acts.

With these few words, Mr. Chairman, Sir, I beg to move that the clause be amended in that clause 4 of the Bill be amended by inserting in subclause (2) immediately after the word "officer" appearing therein, the following words "from the rank of sub-inspector".

(Question of the amendment that the words proposed to be inserted be inserted proposed)

Mr. Khalif: Mr. Chairman, Sir, I have only two points to make on this amendment. In the first place I would like to register my support for this amendment, and secondly, I would like to point out that in view of the fact that—

The Chairman (Dr. De Souza): I want to make it quite clear that Mr. Gichoya, I think, has gone far beyond the limits of this debate. The amendment suggested is only for arrest without warrant of a supervisee, so any debate about any other arrests is quite out of order in this particular debate. You must restrict yourself to this particular amendment.

Mr. Khalif: That is what I was trying to do, Sir. In fact, Sir, my first point was to say that if a number of foreign armed forces were to be—

The Chairman (Dr. De Souza): That is nothing to do with this, I explained to you just now that this amendment merely says that a supervisee who is suspected of having committed an offence, can be arrested by a police officer without warrant. So, you have to restrict yourself to a supervisee. A police officer from another country, has nothing to do with this section.

Mr. Khalif: That is what I was coming to, Sir, if you would not interrupt me.

Sir, whether he is a supervisee or not, it does not really make any difference.

The Chairman (Dr. De Souza): It does, Mr. Khalif. I have ruled that you have to restrict yourself to a supervisee, not anything else.

Mr. Khalif: That is why I am saying, Sir.

The Chairman (Dr. De Souza): That is not what you are saying.

Mr. Khalif: It is what I am saying, because although a supervisee, in so far as the person who is on the field is expected to arrest this person without warrant, could be a constable or a lance-corporal, or a corporal in the police force, it has been proved through experience that most of our other ranks in the police, lower than sub-inspectors, are ignorant.

Mr. Chairman, Sir, I would like only to base my arguments on the fact that we should not allow any police officers to arrest without warrant, because when we give a police officer the right to arrest without warrant, then we must ensure that that police officer knows what it means to arrest without warrant. Therefore, Sir, it is quite logical to suggest that a police officer, lower than the rank of sub-inspector, should not be given these powers which could, if interpreted according to the Bill, be very damaging to this nation of Kenya.

I beg to support, Sir.

Mr. Odunya: I am only standing up to request that the Attorney-General takes the Floor, and request him to accept the amendment moved by the hon. Member for Gichoya, because I see that we have some more business on the Order Paper today.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I reject this amendment entirely, because I want to submit to this House that the amendment makes nonsense of the whole Criminal Procedure Code. If you look at the preliminary Part I of the Criminal Procedure Code, the Act itself, which we are amending, there is a definition of a police officer, which is, "Police

[The Attorney-General.]

officer means a police officer or a Tribal Police officer." Now, I am going to refer to the section which we are amending, and as you pointed out, this amendment only refers to police supervisees, and these are incorrigible criminals, who have to be subjected to certain restrictions when they come out of prison, and these are the conditions: "To reside within the limits of a specified area, and not to transfer his residence to any other area without the written consent of the police officer in charge of that area." I do not see why you want to put the rank of the police to a sub-inspector. In fact, the person who should know and be able to identify these people are the Tribal Police, because they are restricted to those areas where they are known and where they come from. If only hon. Members will refer to the same which we are referring to and which we are amending, we would not have all these unnecessary interruptions.

Mr. Chairman, I oppose the amendment.

(Question of the amendment put and negatived)

(Clause 4 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE KENYA BROADCASTING CORPORATION
(NATIONALIZATION) (AMENDMENT) BILL

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): Mr. Chairman, I beg to move that the Committee report to the House its consideration of the Trade Disputes Bill and its approval with amendment, and the Criminal Procedure Code (Amendment) Bill, and the Kenya Broadcasting Corporation (Nationalization) (Amendment) Bill without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

BILLS

Reports, Consideration of Reports and Third Readings

THE TRADE DISPUTES BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Trade Disputes Bill and approved the same with amendment.

The Speaker (Mr. Slade): In view of the intended adjournment of the House, we can take the Consideration of Report today.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move that the Trade Disputes Bill be now read the Third Time.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

The Speaker (Mr. Slade): I think, Mr. Clerk, you will have to read it again because you have overlooked an alteration.

(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 CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Criminal Procedure Code (Amendment) Bill and its approval thereof without amendment.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Criminal Procedure Code (Amendment) Bill, 1965 be now read the Third Time.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

(Clauses 37, 38, 39 and 40 agreed to)
(Clauses 41, 42, 43 and 44 agreed to)
(Clause 45, 46, 47 and 48 agreed to)

Clause 49

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman I beg to move that clause 49 (2) of the Bill be amended by deleting the words "Arbitration Tribunals and".

Mr. Khalif: Mr. Chairman, this clause says that any person who..... (Inaudible) thereof, and he is not registered with the Registrar as an officer of such tribunal or branch shall be an offence. Now, Sir—

The Chairman (Dr. De Souza): I think you are wrong.

Mr. Khalif: Is that not clause 39, Sir?

The Chairman (Dr. De Souza): No, I certainly do not see it here.

(Question of the amendment proposed)
(Question that words proposed to be left out be left out put and agreed to)

(Clause 49 as amended agreed to)
(Clauses 50 and 51 agreed to)

Clause 52

Mr. Omar: Mr. Chairman, here again it seems that something is wrong with clause 52 (2). It is stated here: "Every association of trade unions which on 6th April 1965 was registered as a society under the Societies Act shall, on the date of publication of this Act, be deemed to have ceased to be a society registered under that Act and to have been registered as a trade union under the Trade Unions Act (as amended by this Act)". If I understood this subclause clearly it means that all the registered trade unions will have to reapply for registration.

The Chairman (Dr. De Souza): If you do not understand you might as well as the Minister to explain.

Mr. Omar: Let me say the reason why I want an explanation. It is because I found under the Essential Services the Petroleum and Oil Workers' Union and the Dockworkers' Union which are highly organized, and very strong unions, which can lead a strike at any time and convince the Government that the employers of these industries are not paying sufficient wages to their employees, have been put under the Essential Services which, in my opinion, I feel are not necessary at all.

The Chairman (Dr. De Souza): Are you speaking to this section?

Mr. Omar: I am giving my reasons why I want an explanation under this clause.

The Chairman (Dr. De Souza): Unless you say that the dockworkers and petroleum workers are registered societies I do not know how you are speaking to this section.

Mr. Omar: I will speak to it later on.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I want to commend this section to those hon. Members who have so fervently spoken on behalf of the workers, and in particular the Member for Teso, who has been very enthusiastic about this in the interest of the workers.

What this section means is, as hon. Members will know, that the trade unions in the past have been registered under the Societies Act. Now they will be registered under this Act, but we will save the workers the expense and the trouble of having to re-register again and as soon as this Act is passed they shall be free to be registered under this Act automatically.

(Clause 52 agreed to)

(First and Second Schedules agreed to)

Third Schedule

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, I beg to move that the Third Schedule be amended by inserting in relation to section 38 (shown in the first column thereof a paragraph (c) as follows:—

(c) Insert immediately after subsection (5) thereof of the following subsection—

(5A) Any person who acts or purports to act as an officer of a trade union or of any branch thereof and who is not registered with the Registrar as an officer of such trade union or branch shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and such imprisonment.

(Question of the amendment proposed)

Mr. Khalif: Mr. Chairman, Sir, supposing that these conflicts are within the union, just as we had last time, and the Minister will remember, in Nakuru somebody went to Moscow and when he came back then there was a very big conflict. Now, Sir, what instruments shall be used to detect the right officer for the union and the wrong officer, otherwise the right officer could be put

[Mr. Khalif] the and the wrong officer is in office. Now what instruments are going to be used by the Ministry to detect that the right person is not put in a cell?

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, if I may go on. These officers, as the hon. Member will know, all details are with the Registrar of Societies at the moment and we know who they are but if any other person masquerades as an officer of any given trade union then he will be liable under this section.

Mr. Khalif: Mr. Chairman, Sir, as far as this is concerned, I know that people tend to go and register themselves as officers of the union by filling in some forms. Now how can we judge whether it is the right person or the wrong person?

Mr. Gichoya: Mr. Chairman, Sir, my problem is that I would like to have a further explanation from the Attorney-General. There could be a situation whereby Njonjo, secretary-general for a particular union goes out and when he comes back he finds that Gichoya has already ousted him. Now Njonjo was originally the legal officer of that trade union and Gichoya who was just an ordinary man has put himself into his position. It happens sometimes. Also at the same time Gichoya has put his name clearly of the society that he is the legal secretary. Now the two countries do claim that they are officers of the same organization, are they not going to be punished by this law, because both their names are in the Registrar's Office? Now which one is the legal secretary of the organization. So, Mr. Chairman in this respect there ought to be a way out in case of any dispute in a trade union movement so that this dispute is ended as to who is who in that particular organization of the two who legally are in the positions as officers of the trade union and this clause should not operate in that respect. If this can be legally intended, the Attorney-General I shall be very happy indeed.

The Attorney-General (Mr. Njonjo): I think there is some misunderstanding because the problem that the hon. Member for Gichoya is worried about cannot have two officials operating at the same time. This section merely refers to people who in fact have nothing to do with the trade union and they must carry, as I have indicated, as officials of the trade union. This, in fact, if I had had my way would have been to have put them inside for three years and possibly the sentence would have been stiffer than it is at the moment.

(Question that the words to be inserted be inserted put and agreed to)

(Third Schedule as amended agreed to)

Long Title

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): Mr. Chairman, Sir, I would like to move that the Long Title of the Bill be amended by deleting there from "Arbitration Tribunal".

(Question of the amendment proposed)

(Question that the words to be left out be left out put and agreed to)

(Long Title as amended put and agreed to)
(Clause 1 agreed to)

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

(Clauses 2 and 3 put and agreed to)

Clause 4

The Chairman (Dr. De Souza): Mr. Gichoya would you like to move your amendment, then do so?

Mr. Gichoya: Mr. Chairman, Sir, my amendment to this was necessitated by a single thing, and I think it would take a long time for us to discuss it, but in order to leave no doubt over this procedure to the Criminal Procedure Code (Amendment) Bill, we must express quite clearly that the officers involved are from some—I say this Mr. Chairman, from some experience, say this Mr. Chairman, when the officers one, during the emergency when the officers operating by them, either a constable or a home guard was an officer, and he had the powers under the laws of the Bill to deal with him as if he was a Commissioner of Police. Just a few days ago, Mr. Chairman, Sir, a police constable dressed in plain clothes, a simple plain young man arrested a vegetable seller, he was asked to show his licence; this licence was produced by the licence holder and he did not even look at it. What he did was to take it and ask if this was a licence issued by the County Council of Kirinyaga? It is valid, and I am trying to explain my point.

Mr. Gichoya: Mr. Chairman, Sir, I think the Minister must be reasonable enough to listen patiently, and know how the law is being flouted by our people who do not understand the procedure.

I tried to find out from another policeman whether these people are really trained to understand what business they are trying to do, because a man who is backwards—

[Mr. Masinde]

this country had a loss of so much, because of the other strike this country had a loss of so much, it will be completely impossible for us to accept that these workers should come under Essential Services, particularly the oil companies. Tell us what strike, which year, how much this country lost, because if the workers go on strike—

Mr. Malinda: On a point of order, Mr. Chairman, now that we are concerned with additions or deletions to the Essential Services' list, is the Member strictly in order in talking generally of the list which is already there?

The Chairman (Dr. De Souza): I think it would be, because I do not think one can discuss the question of Essential Services without discussing the list that is there, and may be increased or reduced. What I think he is trying to say is the danger of the list being increased.

Mr. Masinde: Mr. Chairman, if you will permit me, the hon. Member is hoping that his employees will not be going on strike because he is engaged in transport employment.

I have just put this to the hon. Minister because we want to know. These are some of the important issues which are affecting us. We accept this, as far as medical services are concerned, because if you get a person dying because somebody is on strike, that is a straightforward case, but if Masinde fails to go to Mombasa because the Railways are on strike, it does not matter. If Masinde fails to get petrol because there is an oil strike, it does not matter, because that is personal, it is more personal than national. We have to be fair to ourselves. As we look at ourselves, let us also look at the people we are trying to protect in this Bill. Sir, I doubt whether the Minister is going to give us this breakdown as far as every department or industry is concerned.

Mr. Mwendwa: Mr. Chairman, I thank the hon. Member because he has asked me the reasons why we have thought that the oil industry is essential. A service does not qualify to be essential or not essential by the fact that it is in private hands or Government hands; that is not a qualification. The qualification is entirely the service which it gives to the people in Kenya.

I just want to give one example. Supposing there is a strike today in the oil industry and you are summoned by the National Assembly to attend a meeting here which is very important, and you cannot get petrol anywhere, would you walk to Nairobi? You cannot walk to Nairobi,

and you will come here and say that this is an Essential Service because that has affected you.

I will give another instance. All the Government is thinking of actually is the public good and the public service. These people are the ones who are serving people in the Medical Department, Health Department, Agriculture Department, Education Department. If there is an oil strike, an inspector of schools cannot go out, a doctor cannot go out to see patients, all aeroplane cannot leave Nairobi because there is nobody there to keep petrol. This service is essential.

Mr. Gichoya: Mr. Chairman, Sir, the explanation given by the Minister, that these are Essential Services, although they are privately owned, leads us to believe that our Government is reluctant to nationalize the Essential Services.

Electricity is a very Essential Service, but what guarantee have the workers, so as to work in an industry which is privately owned and where, I do not think, the Government of Kenya has stipulated the salaries of each officer, of each labourer in the particular service.

I know the Minister for Labour in Kenya and every other Minister has his salary agreed upon and he knows the class he is going to be put in. The Permanent Secretary knows that he is to be put in such and such a class. Somebody holding such a position knows he will be put in a particular category. In these private firms you have a man who is a director, an African director—

Mr. Khalif: On a point of order, Mr. Chairman, in view of the fact that we have had a lot of discussion on this clause for the last, say, half an hour, can the question now be put so that we can proceed?

The Chairman (Dr. De Souza): I think we will let Mr. Gichoya finish what he is saying.

Mr. Gichoya: What I am saying is that we should not tie up the workers and show them that we are condemning them to death in the sense that they will never have— It is only in the last resort that an opportunity is given to the workers to strike because they come under the category of Essential Services. These particular services may not be very essential. I say they are not essential because if we need electricity in the villages here, in Sophia Town, Majengo, you will find that this Essential Service is not provided to the people. So, it is no longer essential. It is a monopoly of a few privileged who can afford electricity. Take Bahali and Shauri Moyo. Is there any electricity there? Yet it is stated here

[Mr. Gichoya]

that it is one of the Essential Services. I say, Mr. Chairman, the Minister and those concerned with services in particular categories did make a blunder in putting electricity under the Essential Services cover.

Mr. Chairman, the Member for Wajir North belongs to a very primitive area.

The other point I want to put forward is this. It deals with transport.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Chairman, is the hon. Member really in order in describing that the other Member comes from a primitive area?

The Chairman (Dr. De Souza): We must not be too sensitive but, on the other hand, we must avoid using such words as "primitive" in this House. You must withdraw, Mr. Gichoya.

Mr. Gichoya: I do withdraw, Mr. Chairman, but I happen to know that this area is a backward area since I have seen it.

The other point I was saying is this. When we take the air services it will be wrong to put all the special planes which are owned by individuals in the same category as ours. We must separate them, we must separate the East African Airways as owned by the East African Authority from the others. These should be safeguarded and I agree with that. The Police Air Wing also comes under Government control and these are covered. But when we take air transport as a whole I think there is a mistake because here we are trying to say that those people who are employed by private air owners will have to suffer the consequences of being placed in the same category as the East African Authority. So, here I say that since the conditions of these two people differ, even though they work in the same industry, their category must also be different. One is Government while the other is a private employer who takes the whole profits. So, in this respect air transport should be made clear and here it should be stated that it is only the East African Common Services Airways, the Police Wing or, for that matter, anything owned by the Government.

The Chairman (Dr. De Souza): Mr. Gichoya, do try and be brief.

Mr. Gichoya: Although the Minister tried to explain that petrol, fuel, oil, power and light which are also to be safeguarded, if we— I would like to give an example of electricity where we have a 33 per cent share as a Government, in

the oil companies we have practically nothing. As a matter of fact we do not own anything here, and if the Minister says, "All right, we must take so many shares in order that the Government may have a share in it and determine the factor that there will never be any strike" then once again the Government does not determine what the worker should receive.

Mr. Chairman, the Government must ensure this House that these services which are at present isolated one from the other and are now being covered under the words "Essential Services" the workers will go and have their salaries or wages stipulated by the Kenya Government according to the standard which prevails in the country today. This should not be left in private hands. The workers in those places must be assured by the Government that their salary scales will be determined by the Kenya Government. If this cannot be so it means definitely that we are trying to tell an employer, well, you are at liberty to determine how much you should pay this person, the labourer and by the same token we assure you that the labourer will have no chance whatsoever of revolting against your provisions.

With these few words, Mr. Chairman, I would like to support.

Mr. Odaga: On a point of order, Mr. Chairman, am I wrong to demand from you that I did ask the Minister for Labour to explain to me and also to the House whether the Dockworkers' Union and the Petroleum Workers Union were represented. He has not stood up to say anything. Before you put the question I think I am right in asking the Minister to explain.

The Chairman (Dr. De Souza): Order, order. I have your point of order. I have, however, already decided that I am going to put the question on clause 34.

(Clause 34 agreed to)

(Clause 35 agreed to)

Clause 36

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman I beg to move that clause 36 (1) of the Bill be amended by deleting the word "ten" and by inserting in place thereof the word "five".

(Question of the amendment proposed)

(Question that the words proposed to be left out be left out put and agreed to)

(Question that the words proposed to be inserted in place thereof be inserted put and agreed to)

(Clause 36 as amended agreed to)

[Mr. Gichoya] unionists working in hospitals. The hospital is and Essential Service and it must be maintained throughout, whether there is an emergency or not. But instead of the Minister knowing that that particular industry or that particular trade falls under the category of Essential Services, here he comes with a very confused mind, Sir, it is the trade union, when it behaves nicely, will be told that you are not falling under the Essential Services column.

I think, Mr. Chairman, Sir, the Minister should not be given powers to determine itself, we should make a list of all those Essential Services, present them to the House, so that we can approve that they be entirely under the Essential Services conditions so that the Minister works without any fear that Parliament might later say that he has acted wrongly. The notice that the whole thing will be done will be brought to the National Assembly. I would be embarrassing to tell the Minister that he had made a mistake, he ought to have done it this way—let him first of all bring it and get the authority of this House without any fear. That is all we are trying to find out from the Minister, as to whether he is willing to accept, not to be a dictator but come to the Parliament and beg for the authority and then use that authority for the good of the workers.

Mr. Mwendwa: Mr. Chairman, I am surprised to see that the hon. Member has not even taken the trouble to go through the Bill. In the First Schedule, Sir, I have given the list of services which we have considered to be Essential Services, and for the interest of the hon. Members sitting in the House, they should understand that these have been checked by the leaders of the unions and they have agreed, together with the employers, that these are services which at the moment they consider are essential. In fact, Mr. Chairman, the arrangements, which I have already tabled in this House, were reached as a result of the agreement between the trade union leaders and our Ministry, and it is no good anybody standing in this House and trying to talk as if he is a union leader when he is not a union leader. I do not have a magic wand to waive over the services which are essential or not essential. We know a service is essential by the service which is rendered and given to the people. There are services, Mr. Chairman, which I have left out, which I think the hon. Members in this House will agree with me are Essential Services. For example, if I may give an example, the teaching service is a very essential service, but it is left out. That is the reason why we have

put a list here so that the Members can read it for themselves.

Mr. Oduya: Mr. Chairman, I do not agree with the explanation of the Minister.

The point here is that the Minister must clarify the position. As one of the workers, as I know that I am also under contract in this House, I would like the Minister—

Mr. Chairman, the position is that we learn that the unions, like the oil and like the dockworkers unions, like the Railways and many others, are declared Essential Services. The Minister has told us that the union representatives agreed, but if they did agree, could we know who represented the dockworkers, who represented the oil workers' union and some other unions because it is always the tendency of the Ministry to deal with only one side—that is the Kenya Federation of Labour—which, in fact, does not represent all the workers in the country. Mr. Chairman, what I am talking about is that the Ministry only contacts those unions affiliated to the Kenya Federation of Labour and leaves out the other labour federation composed of other unions. So, in fact, what we want is to give assurance to this House and to the Members that the oil union, the dockworkers union, were represented and, if so, by whom. . . . (Inaudible) pick up these street fellows who have not taken official . . . (Inaudible) and use them to fight against the legal secretary under the Trade Union Ordinance. That is one . . .

Two, this Bill here empowers the Minister at any time he considers fit to declare any union essential and, like that of teachers, my fear is that at the moment I know they left the teachers' union out because they feared—They know that teachers are intellectuals and that at any moment that the Government or the Ministry mess about . . . (Inaudible) in this country. I know that the teachers union could make a lot of noise, they could even . . . (Inaudible) to declare the teachers union as an Essential Service. Over the money there are cases, of course, which come to a deadlock . . . (Inaudible) The alternative is that the Government will . . . (Inaudible) like police, and this is where I say that if this kind of thing is to be allowed, the situation will be terrible, Mr. Chairman . . . (Inaudible) . . . (Inaudible) are going to be denied the right of . . . (Inaudible) their cases, of course, if it comes to . . . (Inaudible)

[Mr. Oduya] I know that you do not refuse them the opportunity of going on strike, but the line that is being taken, in fact the machinery itself if I examine it properly . . . (Inaudible) tion to be Essential Services.

The Chairman (Dr. De Souza): You must address the Chair.

Mr. Oduya: . . . (Inaudible) It is a serious thing. When they go on strike what is the alternative, if they go on strike by force. The alternative is that the Government will summon all the other groups, like police . . . (Inaudible) do not understand the consequences.

Mr. Masinde: On a point of order, Mr. Chairman, is it in order for the hon. Member to say that his colleagues in this House do not understand?

The Chairman (Dr. De Souza): One cannot substantiate this. It is a reflection, it is rather bad for him to do so, but I do not know whether, in fact, it would be out of order. So I would very much prefer that hon. Members did not say things like this. It is not insulting, I think, in the true sense, but I would like the hon. Member to withdraw it.

Mr. Oduya: When I said some Members do not understand, I meant to say that all of us have not been trade unionists.

The Chairman (Dr. De Souza): I think we can accept that explanation.

Mr. Odero-Jowi: Mr. Chairman, I would like to make two points clear.

Firstly, we are not declaring the Railway African Union an Essential Service, we are declaring the Railway Administration an Essential Service.

Mr. Gichoya: On a point of order, Mr. Chairman, the Assistant Minister is trying to change the meaning given by the hon. Member when he was speaking.

The Chairman (Dr. De Souza): No, no. I think the Assistant Minister is quite right. In fact, I did hear, I think it was Mr. Oduya, who said the Railway African Union, and the Union had been declared an Essential Service. It might have been a slip of the tongue, but he did say it.

Mr. Odero-Jowi: Mr. Chairman, I know it was a slip of the tongue, because the hon. Member for Teso knows his trade unionism very well.

Secondly, Sir, I would like to make it clear that the fact that a service or, say, the Railway Administration has been declared an Essential Service does not mean that the workers in that Administration will not go through the normal processes of having their disputes listened to and processed just as in any other industry. As a matter of fact, Mr. Chairman, all the machinery for negotiation has been left entirely to the unions to work out with the employers, and they will work out the normal procedures for settling disputes. But it only comes to this point, that instead of going on strike, it is stipulated that they will give twenty-eight days' notice and that if a solution to a dispute is not reached, the Minister has the power to refer it either to the Industrial Court or a court of inquiry, whose findings will be binding on the parties to the dispute.

So, Mr. Chairman, the question of this section of the Bill being dictatorial does not really arise, because there are laws in this world which are more stern than this one. Therefore, Mr. Chairman, I would like to urge the Members to get that clarified.

Mr. Masinde: Mr. Chairman, Sir, as the Assistant Minister has explained, it appears that he has not quite convinced some of us. We understand we are here to help the Government pass this Bill, but we must do so after getting a proper explanation as to why oil workers come under Essential Services; there is no reason at all for that. These people are not employed by Government. For that matter, there is nowhere where their salaries are guaranteed, so that a person working in Eldoret in a petrol station will receive a certain salary. Any petrol dealer employs him at a salary, and since such people do not come under the Government machinery of employment, like the Railways, and until such time that the Government has guaranteed the salaries of the workers in the oil industry, it will be completely out of place to say that this type of service should come under Essential Services. That is one point.

The other point, Mr. Chairman, is on the Railways. The Railways is also a commercial concern, although it is semi-Government, because it competes with some firms like Express Transport companies with some firms like Express Transport and Overseas Touring Company, as far as passengers are concerned, and these are not declared Essential Services. How are you going to have the two, just because you want Government to have a monopoly, and yet you say you want to have a licence to some people to compete here given a licence? Because of that, Sir, until with the Railways? Because of that, Sir, until the Government convinces us that for one, two, three, four reasons and because of that strike

[Mr. Gieboya] of the workers. I say so, Mr. Chairman, because just a few days back there was a strike of the local government workers, and that strike opposed some county councils who had paid or agreed to pay on the scales in the Pratt Report. Some county councils were not in a position to pay on those scales which were to be compelled by the failure of the whole local government authority from functioning when they went on sympathy strike, which is the only weapon given to the workers, that if one employer proves to be completely indifferent to the demands which are being made, then all they can do is to go on strike, as long as they believe that the problem of the one worker is the problem of the other workers.

Mr. Deputy Chairman, Sir, what I am trying to explain is that if we give the Minister the powers that are demanded here by the Act, it means exactly that sympathy strikes which have necessitated that employer to have common sense, will no longer take place, and if they do not take place the employers will be the victims of the actual Parliament. I believe in the former conditions we were a little better off than under this particular Act, which gives the Minister power to dictate. We have rejected dictatorship in Kenya, and we have to dictate ourselves, and not allow the Minister, in this connexion, to be the dictator over the workers who are fighting for their own livelihood.

Mr. Deputy Chairman, Sir, I would urge the Minister to amend this.

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Deputy Chairman, Sir, if the hon. Member was aware at all, he could have objected to two previous clauses. Now, the fact of the matter is that under this section, the Minister is given powers to declare a strike illegal if it is a sympathy strike from without the industry. Sympathy strikes are allowed within an industry; and for his information industry is defined here. So the question of sympathy strikes from outside should not arise.

[The Deputy Chairman (Mr. Slade) left the Chair]

[The Chairman (Dr. De Souza) took the Chair]

I think he should do his homework.

Mr. Gieboya: Mr. Chairman, Sir, it surprises me to hear that when we are dealing with particular industries, and they say that in these industries dictatorship shall not exist, workers must be given the latitude to get sympathy from their fellow workers in terms of the same industry. I am trying to find out why it is allowed

that a sympathy strike should operate in the same industry or, for that matter, same place. So, that being completely needed, Mr. Chairman, Sir, why cannot he sympathize with the workers and ask the Minister to pin-point the place where he allows the sympathy strikes?

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Chairman, Sir, I will quote: "For the purpose of this section, a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and employees, or between employees and employees, in that trade or industry, which is connected with the employment or non-employment or the terms of employment, or with the conditions of labour, of persons in that trade or industry."

Mr. Chairman, Sir, in this section we are trying to accommodate two things. Strictly speaking, taking the present trade union strikes in the country, it is not easy to draw a clear line that this industry is organized by a certain union, so we are using two definitions. "Industry" in the ordinary sense and "industry" in the sense of a group of employment units which have been organized by one union, and the two definitions are accommodated.

(Clause 21 agreed to)

Clause 22

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Chairman, Sir, I beg to move that clause 22 (3) be amended by inserting immediately after the words "signed by the words "or under the authority of"

(Question of the amendment proposed)

(Question that the words to be inserted be inserted put and agreed to)

(Clause 22 as amended agreed to)

(Clauses 23 and 24 agreed to)

Clause 25

Mr. Omar: Mr. Chairman, Sir, under this clause (1), it says "Any person who in connexion with any strike or lock-out declared by or under this Act to be unlawful: (a) declares, instigates, or incites others to take part in, any such strike or lock-out." Here, Mr. Chairman, personally I do not believe that there is a person who can instigate or incite others to take part in strikes. I would like these Ministers to keep quiet, Mr. Chairman, so that I can explain to them what makes workers go on strike. They are not incited or instigated by anybody. It is a social problem which makes the workers go on strike, and therefore there is nobody at all who will go to a

[Mr. Omar] specified therein." Now, I find that under the list of Essential Services where the workers will not be allowed to take strike action, it seems that the Minister is given powers to add any service to it, and he can take up one morning and say that the workers of local government are also to be included in the list of Essential Services.

Now, this is an authority of this country and if the Minister is given such powers alone to decide at any time that it be put in the Official Gazette, that a certain industry is to come under the Essential Services, I feel it means that too many powers are given to the Minister. Of course, it is further stated here that they will probably bring it to the National Assembly, but he shall have already assessed those powers. What I would like is that, before the Minister takes steps to put an industry in the list of Essential Services in the Official Gazette, he brings the matter to the House for full discussion and then get the consent of the National Assembly. The Minister alone should not have such powers; he should not become a dictator here.

Mr. Mwendwa: Mr. Chairman, Sir, since the hon. Member has been a trade union leader, I think he will try to show the Government that his union is a business union. If that is so, I am given powers to do two things: to delete or to add. It is up to the unions to prove to the Government that they are loyal and it is not essential to be in the list of Essential Services. It will automatically, Mr. Chairman, without any delay, delete that union, because they have behaved well. Therefore it is the duty of the hon. Member to go and tell his union to prove to the Government and the Minister that they are well behaved, they follow the machinery, and I will definitely delete it from the Essential Services.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, I sympathize with the hon. Member's remarks, but he says he does not agree that there is anybody who will instigate or incite others to go on strike. If that is so, he has no reason to fear, because the clause will only deal with those who instigate or those who incite. Since he says he does not think that anybody will incite, there is no reason to fear. The clause is put here in case there is a mad man roaming about who will incite others.

Mr. Gieboya: Mr. Chairman, Sir, there must be a system of ascertaining the contention that there is somebody instigating. What is the basis for the Minister determining that X and Y and Z are instigating?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, the normal procedure which is taken in a court of law takes place. A man is not a thief until he is proved by the court that he is a thief.

(Clause 25 agreed to)

(Clauses 26, 27, 28, 29, 30, 31, 32 and 33 agreed to)

Clause 34

Mr. Omar: Mr. Chairman, Sir, again, here I find that the Minister is given rather dictatorial powers. This covers the whole of the workers in the country, not only local workers' unions. "The Minister may, by notice in the Gazette, add any service to, or delete any service from, the First Schedule to this Act, and without prejudice to the generality of the description of any service

specified therein." Now, I find that under the list of Essential Services where the workers will not be allowed to take strike action, it seems that the Minister is given powers to add any service to it, and he can take up one morning and say that the workers of local government are also to be included in the list of Essential Services.

Now, this is an authority of this country and if the Minister is given such powers alone to decide at any time that it be put in the Official Gazette, that a certain industry is to come under the Essential Services, I feel it means that too many powers are given to the Minister. Of course, it is further stated here that they will probably bring it to the National Assembly, but he shall have already assessed those powers. What I would like is that, before the Minister takes steps to put an industry in the list of Essential Services in the Official Gazette, he brings the matter to the House for full discussion and then get the consent of the National Assembly. The Minister alone should not have such powers; he should not become a dictator here.

Mr. Mwendwa: Mr. Chairman, Sir, since the hon. Member has been a trade union leader, I think he will try to show the Government that his union is a business union. If that is so, I am given powers to do two things: to delete or to add. It is up to the unions to prove to the Government that they are loyal and it is not essential to be in the list of Essential Services. It will automatically, Mr. Chairman, without any delay, delete that union, because they have behaved well. Therefore it is the duty of the hon. Member to go and tell his union to prove to the Government and the Minister that they are well behaved, they follow the machinery, and I will definitely delete it from the Essential Services.

Mr. Gieboya: Mr. Chairman, Sir, here is an explanation which shows exactly that the Minister himself is doubtful as to whether a particular service is an Essential Service or not. Mr. Chairman: what is more important—we expect that our Minister along with his own technicians would take time to first of all go deeper and would take time to stipulate them completely and bring country, to stipulate them completely and bring that document to this House to get the authority for adding them up into a form of law that these are Essential Services where a strike is not allowed. This is what happens normally in modern society and, more so, in democratic institutions.

Mr. Chairman, the Minister says that a trade union has to behave so that it is exempted from being within the Essential Services; I wonder being within the Essential Services, I wonder what behaviour is expected, Sir, to include trade

[The Assistant Minister for Labour and Social Services]

in a context which I would like to seek your opinion on, because some of these words used properly are not offensive but, depending on the context and the gusto with which the words are used, they can be very offensive.

The Speaker (Mr. Slade): I think the phrase to which you are referring was a remark by Mr. Khalif that the Assistant Minister had shown his ignorance of the subject. It is mildly offensive, but I think there is a limit to where we take offence. I should not worry too much about that particular point.

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

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, I would like to move an amendment to clause 2: That clause 2 of the Bill be amended—

(i) by deleting therefrom the definition of "Arbitration Tribunal"; and

(ii) by inserting therein, in its correct alphabetical sequence, the following new definition—"Tripartite Committee" means a committee consisting of a representative of the Minister, who shall be the chairman, and two other members appointed by the Minister, one from a panel of persons nominated by or on behalf of organizations of employers, and the other from a panel of persons nominated by or on behalf of organizations of employees.

(Question of the amendment proposed)

(Question that the words to be left out be left out and agreed to)

(Question that the words to be inserted be inserted and agreed to)

(Clause 2 as amended agreed to)

Clause 3

Mr. Omar: Mr. Deputy Chairman, clause 3 (d) says, "in a military, naval or air force, or in any reserve force thereto"; and this Bill provides machinery whereby employers and employees are

to sit together and discuss their industrial differences and disputes and try to settle them. Now, it seems that under this clause, this is not applicable to the military, naval or air forces, nor the police force. Since these are also employees of the Central Government, Mr. Deputy Chairman, I would like the Minister to tell us whether there is existing machinery whereby the police force and the naval, military and air forces can sit with the Government and settle their grievances?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Chairman, it is very strange to have to learn that a Member of the House does not know the machinery which is used for settling all the disputes of naval, military and air forces, as also police forces. This Bill is for those people who are employed in the organizations which are specified and that has nothing to do with the army, police and the rest.

*(Clause 3 agreed to)**(Clause 4 agreed to)*

Clause 5

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I beg to move another amendment to clause 5 of the Bill. That clause 5 (i) of the Bill be amended—

(i) by inserting immediately after the words "reported to him and" the words "shall consult a Tripartite Committee and, after such consultation,";

(ii) by deleting the word "or" in paragraph (b);

(iii) by deleting the word "Act," in paragraph (c) and by inserting in place thereof the words "Act; or"; and

(iv) by inserting a new paragraph as follows—

(f) recommend to the parties that the trade dispute be referred to the Industrial Court.

(Question of the amendment proposed)

(Question that the words to be left out be left out and agreed to)

(Question that the words to be inserted be inserted and agreed to)

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

Mr. Omar: Mr. Chairman, I have a question to ask the Minister on clause 7 (3) where 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

(Mr. Omar)

and report thereon to the Minister." My question here, Mr. Chairman, is, how long can the Minister delay this matter because there is no number of days limited as to how long this matter can be delayed. I am asking this question because sometimes the Minister may be very busy with other affairs and he might overlook a matter which has been referred to him and he may take a very long time which might result in a strike which is likely to call an illegal strike because notice has not been given. Therefore, I would like the Minister to tell us how long he can delay this matter.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I think the hon. Member knows that if I choose somebody as an investigator then the time he takes to investigate and report to me is guided by many circumstances; it may be that some of the facts he wants are in the hands of some person who is on leave, or he may be sick in hospital, and so on. That is why it is very difficult to set a time limit here as to the number of days.

However, subsection (3) says clearly that the Minister will require a report on this matter without any delay.

Mr. Gichoya: Mr. Chairman, the problem which arises on this is that there could be a deliberate action by the Ministry concerned to delay the whole thing, but if it is stipulated in the Act that within so many days, as soon as the Minister receives the report then he takes action.

This is the problem, that the Minister is given latitude to decide what is convenient to him to fit in with "as soon as possible" so that he can delay. There may be many reasons to show that the delay is not deliberate, but I think the best thing is that we should leave no ambiguity here. Let us state the number of days after the Minister has received the necessary information.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): Mr. Chairman, I think, fixing a definite time here is likely to inconvenience the parties to a dispute because if the time is fixed and one of the parties to the dispute is not prepared to go through the machinery with the Minister, there can be a lot of inconvenience. I think the subsection as laid down here is enough. "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." There is no suggestion here, Mr. Chairman, that the Minister is going to fit on the report. As soon as the reports are processed

and read through by us we release them and we get action going on them.

Mr. Gichoya: Mr. Chairman, my problem still stands that the Minister should assure the House that after, say, five days, when the matter has been referred to the investigator, the parties involved will know that the case is in the hands of the investigating committee or the Minister himself. However, when the matter is referred to without delay—the delay can be caused deliberately and there is a possibility of it being so. I remember when I was dealing with the Railway problem I had to meet the Minister for Labour in order to do something in this matter. I tried to find out if I could find a reason in order to avoid any clash between the workers and the Railway Administration. This never happened. So, I think, Mr. Chairman, that unless we commit the Minister to a definite time, that as soon as the investigator has the report submitted to him—ten days, fifteen days, or even a month after the Minister knows about the matter it should be sent to the investigator.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): Mr. Chairman, we cannot accept this because one investigation might take only two days whereas another which needs assembling of facts might take one month, and if we commit ourselves to five days as the hon. Member is suggesting, we will only be increasing trouble for ourselves.

(Clause 7 agreed to)

Clause 8

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I beg to move another amendment to clause 8. That the whole of clause 8 be deleted and a new clause 8 be inserted in place thereof as follows:—

Agreements to be lodged with Minister.

8. It shall be the duty of every party to any agreement or arrangement made between any employer or organization of employers and any organization of employees, to secure that a copy of the terms of such agreement or arrangement is lodged with the Minister as soon as practicable after it is made.

The Deputy Chairman (Mr. Slade): I think there are two separate questions here because the new clause is quite different from the original clause 8.

(Question that clause 8 be left out of the Bill proposed)

(Question that clause 8 be left out of the Bill put and agreed to)

Mr. Aremian: Mr. Speaker, Sir, with your guidance, I think about ten years ago when we had this *Mau Mau*, all the Kikuyu and all the people who consisted of Embu, Meru, and so on, had something to identify themselves with, as being persons resident in a particular place?

The Speaker (Mr. Slade): Are you asking a question, Mr. Aremian?

Mr. Aremian: The question is this, Sir. Is the Assistant Minister aware that Somalis in Samburu District were putting the others where they are, and then the others in Samburu District would come and attack the other Samburu at night?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, nobody knows who a *Shifita* is, but I might add this further. As I have repeatedly said in this House, the Government is untrusting in its efforts of the hunting down the *Shifita* wherever they may be found, and bringing them to account. The security forces do not just sit down and wait for what is likely to happen. We actually go out to look for them. Such operations are taking place all the time, and in this particular area, the Police Force has been strengthened and a new post, in accordance with what the Senator and the Member for that area came to ask me about, is to be reopened at a place called Serolevi. In addition, Mr. Speaker, a platoon of the General Service Unit is operating continuously in this particular area.

It must be appreciated, Sir, that it is not easy to determine who a *Shifita* is, and it is quite impossible to foretell *Shifita* intentions, and to provide every *manyata* with a security guard.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister agree with me that the Somalis in Samburu District are loyal and devoted to this country and not *Shifita*? Sir, there has been serious allegations. Some Members are asking me whether I am loyal myself.

The Speaker (Mr. Slade): It is quiet out of order. It is not really an allegation, but it is not the sort of question we encourage in this House.

Mr. Khalif: Mr. Speaker, Sir, I would like to ask this question. Would the Assistant Minister for Defence agree with me that the Somalis living in Samburu are loyal and that they do not either assist or help the notorious elements of the *Shifita*?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, while we cannot provide every *manyata* with a security guard, I cannot be a judge of who a *Shifita* is, and I cannot say at the outset that all Somalis in the Samburu area are loyal.

Mr. Khalif: They are.

Mr. Argwings-Kodhek: I would like some more evidence of that, Mr. Speaker.

Mr. Lorema: Mr. Speaker, Sir, in view of the fact that this question is really centred around loyal and disloyal *Shifita*, would the Assistant Minister tell the House what—

The Speaker (Mr. Slade): There has been no question of loyal *Shifita*.

Mr. Lorema: —efforts Government is making to point out who is a *Shifita* and who is not a *Shifita*?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, in part two of the answer I said that our boys are not just sitting around. They are hunting the *Shifita* down everywhere. They are going all out to find out where the *Shifita* are. They are hunting them down, they are keeping the *Shifita* on the run; the General Service Unit is in the area continuously patrolling; the Police Force in the area has been strengthened; a new post at Serolevi is to be reopened. But the Members from the particular area, the Eastern and the North-Eastern Regions are the people best placed to assist the security forces in pointing out who is a *Shifita*.

Mr. Khalif: On a point of order, Mr. Speaker, I would like to seek your guidance. This question of *Shifita*, you have given ruling on so many times. Even now, when the Assistant Minister has completed his reply, he pointed an accusing finger at me.

Sir, I have encountered difficulties in this House whenever the question of *Shifita* comes up. Now, Sir, could I know whether it is right when discussing the question of *Shifita*, to point an accusing finger at the hon. Member of Wajir North?

The Speaker (Mr. Slade): No, it is most certainly wrong—and I am sure all hon. Members know it—to suggest, in any way that any hon. Member of this House is engaged or has been engaged in any subversive activities. If I hear any Member or any Member acknowledge saying anything of that kind, any suggestion that any Member is a *Shifita*, he will be required to leave the Chamber immediately.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, perhaps the hon. Member for Wajir North that I pointed a finger at him, I suggested—and that I pointed a finger at him, I suggested—and the HANSARD will bear me out—that it is up to the Members from the Eastern and North-Eastern Regions to assist our security forces in pointing out who is a *Shifita*. If he decides that he is the person so, well—

The Speaker (Mr. Slade): I do not think we need follow that up any more.

Mr. ole Ttipis: Mr. Speaker, Sir, in view of the distance from Maralal to the district which the Somalis inhabit in the North-Eastern Region, can the Assistant Minister tell us what measures, if any, the Government has taken to deter any Somalis residing in Samburu who harbour these *Shifita*?

The second point, Sir, is this. Could we know, among from what the Assistant Minister has just said that it is difficult to tell who the *Shifita* are, whether it is difficult for the security forces to track the 400 head of cattle stolen and know that they belong to the Samburu?

Mr. Argwings-Kodhek: Mr. Speaker, the second part of that question can be dealt with later.

In the first part of my answer, Sir, I stated very definitely that in the first report there were about 2,000 head, but further investigations revealed that only 400 head were taken and these 400 head are still being tracked down. The incident took place only very recently, as the hon. Member, Mr. Aremian, said.

The distance between Samburu and Moyale is known or should be known to every Member of this House. We have our security forces on the border of Kenya and Somalia and there are certain emergency zones which were demarcated after approval of an emergency area by Members of this House, and the hon. Member, my friend, Mr. ole Ttipis, should know.

The Speaker (Mr. Slade): We must go on now.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE: SHIFITA ATTACK AT MARALAL

Mr. Khalif: On a point of order, Mr. Speaker, in view of the fact that the Assistant Minister has demonstrated his ignorance with regard to this question and in view of the very, very unsatisfactory way he has replied, I would like to raise this matter on an adjournment.

POINT OF ORDER

WRITTEN ANSWERS TO QUESTIONS

Mr. Tanui: On a point of order, Mr. Speaker, I am seeking your ruling and guidance.

I submitted some questions some time back—but then—and I was given replies in writing. But I chased up the questions again, and again

I can see that the same questions are being placed to be answered for me in writing, and yet I did not get satisfactory answer the other time—in writing. I am seeking your guidance, Sir, whether it is possible that these questions, even if it was because of lack of time that you are putting them down for written reply now, that they be delayed so that I can get oral replies, so that I can pursue them properly in this Chamber?

The Speaker (Mr. Slade): I think, if I understand your question aright, Mr. Tanui, the answer is no. By a recent amendment of Standing Orders, it is provided that when a question becomes due for answer, and it is a question for oral reply, and there is not room for it on the Order Paper, then it will receive a written reply. As hon. Members know, Standing Orders provide that questions will become due for reply within quite a short period. We may not always be able to get them all on to the Order Paper for reply because of the limited time; so we adopted this amendment to Standing Orders which said that certain questions, if we have more than twelve certain questions, shall receive written replies and those to receive a written reply will be selected from amongst questions to some of which the questioner is already receiving an oral reply.

Mr. Tanui: On a point of order, Sir, may I know how many times you refer an hon. Member's questions for written reply, before they become oral, and yet he is pursuing all the time?

The Speaker (Mr. Slade): I am afraid I do not quite understand you.

Mr. Tanui: I want to know how many times you judge and place a Member's questions to be answered in writing, and he repeats the same questions to go back again for written reply, and he pursues them how many times will they continue like that before they can come for oral reply?

The Speaker (Mr. Slade): I am sorry, Mr. Tanui, I cannot quite understand what you are talking about. I think you had better come and ask me about this outside the House.

POINT OF ORDER OFFENSIVE LANGUAGE

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): Mr. Speaker, I would like to seek your guidance on this. On various occasions you have ruled that there are certain offensive and unparliamentary words which must not be used in this House. Today the hon. Mr. Khalif used the word "ignorant"

[Mr. Nyagah] and Members here, the formalities include such things as the following. When a person has completed an application form for naturalization, first he advertises his intention in the newspaper twice. If he wants to take a year over it, it is up to him. After that has been done, the relevant cutting from the newspaper is sent to the Office of the Principal Immigration Officer, together with the application form. The application form is scrutinized to ensure that it is supported by the right sponsors. If the applicant does not do what is said, and the application form contains names of people who are not the right sponsors, then the delay is the applicants own responsibility. After that, Mr. Speaker, the application is forwarded to the Director of Intelligence and Criminal Investigation Department for his views. To find out the accuracy of the details given, if an applicant originally came from some far distant country, we cannot control the other Governments as to how long they should take to give us the relevant correct information, and that could cause the delay and the responsibility should not be placed on our department.

Mr. Ngala: Arising from one of the replies by the Assistant Minister, Mr. Speaker, Sir, would he assure us that Government would reserve rights to refuse some of these naturalization citizenships to Arabs that have run away from Zanzibar to come to Mombasa?

Mr. Nyagah: Mr. Speaker, Sir, that is a very different question, but I would like to go a little further on a point that I did not finish. The papers that have been scrutinized by our department are then returned to the Principal Immigration Officer for his recommendations to the Minister. Then the Minister makes, on behalf of the Government, the final decisions, whether to accept the application or to reject it.

Question No. 2074

MARKETING BOARDS TO BE REPLACED BY CO-OPERATIVE UNIONS

Mr. Ngala asked the Minister for Co-operatives and Marketing to state whether it was his intention to replace some of the statutory marketing boards or some middle-man boards, e.g. the United-Africa Company, with effective co-operative unions where they existed.

The Minister for Co-operatives and Marketing (Mr. Ngel): Mr. Speaker, Sir, I beg to reply, it is not the intention of the Government to replace statutory boards with co-operative unions. However, I have decided that wherever possible, the

union, and where applicable, societies will be considered for appointment as produce agents of the statutory boards.

The United Africa Company is not a "middle-man board" and I do not understand what the questioner means by this definition, but as an agent, properly appointed following public tender, of the Kenya Agricultural Produce Marketing Board.

In my recent tour of the West Kenya, I told co-operators that my Ministry has every intention of appointing co-operative bodies as produce agents, provided they were properly and efficiently run.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply by the Minister, would he not agree with me that when an effective co-operative society is available in Mombasa, that co-operative society, according to his own promises given in Nyanza, should replace the United-Africa Company, which is an independent and unproductive company?

Mr. Ngel: Mr. Speaker, Sir, it is not the intention of the Government nor the Ministry to kill private initiative. It is the intention of the Ministry of Co-operatives and Marketing to establish well-run, properly-run, effective co-operative unions, which will take over the produce agencies, but it is not my intention to kill any private enterprise.

Mr. Ngala: Arising from that reply, is the Minister aware that he is contradicting himself when he suggests, on one hand, that effective co-operative societies would be given agencies by Government, and at the same time, refusing to give agencies to a co-operative union in Mombasa, in relation to produce such as cashew nuts or copra which is the produce of the people themselves?

Mr. Ngel: Mr. Speaker, if I may enlighten the hon. Member on this matter, I have said that as soon as the union is established, and in my opinion, is run properly, the agency of these either copra or maize, will be given. I would like to state, Mr. Speaker, for the information of the Member, that the Kirinyaga Co-operative Union, which is a district union, and is appropriated through its societies, is responsible for buying and transporting produce throughout the districts as the agent for the Kenya Agricultural Produce Marketing Board. For your further information, the Taita District Union will be taking over soon the agency and stores at Voi to run the affairs of the Kenya Agricultural Produce Marketing Board and Maize Marketing Board.

[Mr. Ngel] and so on. Therefore, I made it very clear to the Western Kenya Marketing Board during my Western Kenya tour, that as soon as I have it in writing from the Commissioner of Co-operative Development that a union in Kakamega or Bungoma, like the Elgon Farmers' Union, is running its affairs effectively, licences will be issued for them to act as the board's agent.

Mr. Mbugoh: Mr. Speaker, Sir, in view of the fact that the policy of co-operatives is not the same policy as that of individual businessmen, would the Minister then tell this House whether his Ministry as a co-operative ministry favours individual businessmen and big companies against the co-operatives so that he can say that some of these companies cannot be taken over by the co-operatives?

Mr. Ngel: Mr. Speaker, Sir, it is not my intention to create ill-will between the people of Kenya, but to carry on my responsibility in the right way.

Mr. Mwanuzandi: Mr. Speaker, Sir, is the Minister aware that if the farmers who form the co-operative societies could sell their products to the Kenya Agricultural Produce Marketing Board, they would get a better price, rather than when there is a middle man immediately after the co-operative society?

Mr. Ngel: Mr. Speaker, Sir, if I may cite for the information of the hon. Member, I would say that the Kisii District Farmers' Union is carrying on the business of getting direct produce of maize or whatever it is from the farmers, because the farmers form the farmers' union in the district, and therefore, it is my intention that as soon as the farmers form themselves into a farmers' co-operative union in that district, they shall have direct dealings with the statutory boards.

Question No. 2062

BIRTH CERTIFICATES REGISTRATION FEES

Mr. Balala asked the Attorney-General whether, in view of the fact that the majority of Africans did not possess birth certificates and to obtain one constituted a lengthy procedure and a fee of Sh. 15, the Government could "open the door" to Africans to register their births in the normal way at the existing normal fees of Sh. 5 "within a specified period".

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. I hope soon to introduce compulsory registration of births to those

persons—and in this case it is only Africans—who are exempt from compulsory registration. Government is anxious to encourage the registration of births of those Africans whose births were not required to be registered at the time of the occurrence.

Consideration is accordingly being given to the possibility of reducing the fee payable and facilitating the procedure and as soon as a decision has been reached, details will be announced.

Mr. Gikoya: Mr. Speaker, arising from the Attorney-General's reply that some steps are being taken to see to it that the fee is reduced, could he tell us what will happen to those who have already paid the fee? Do they get any refund?

Mr. Njonjo: Mr. Speaker, Sir, once a fee is paid, unfortunately it cannot be repaid.

QUESTION BY PRIVATE NOTICE

CASUALTIES SUFFERED FROM SHITTA ATTACK AT MARALAL

The Speaker (Mr. Slade): We must go on now. Mr. Aram, you have a question by private notice?

Mr. Aram: Yes, Sir. Mr. Speaker, Sir, I beg to ask the Minister for Internal Security and Defence:

(1) What exactly happened, and what were the casualties and loss of livestock suffered, when the Shitfa attacked people near Maralal on or about 9th May?

(2) What steps is Government taking to protect the people of the Samburu District against further attacks of this kind?

The Assistant Minister for Internal Security and Defence (Mr. Arwingi-Nodhek): Mr. Speaker, Sir, I beg to reply. First of all I must congratulate the Member for Turkana for being so interested in the Samburu area which is well represented in this House. Today is the 12th, and an incident really did take place on 7th May 1965 when a gang of about ten Shitfa attacked a Samburu *mayetta* killing, unfortunately, one girl and a woman and wounding three other people. The initial report stated that approximately 2,000 head of cattle were stolen. However, subsequently investigations showed that only 400 head of cattle were actually stolen by the gang of Shitfa.

The District Officer, Wamba, together with a phalanx of Kenya and Tribal Police, immediately went after the gang and has been searching for it. Investigations are therefore still continuing and further details will be released when received.

Question No. 2092

DISMISSALS OF LABOURERS IN CENTRAL RIFT

Mr. Tannu asked the Minister for Labour and Social Services if the Minister would tell the House what steps he had taken against the County Council of the Central Rift which had dismissed the labourers who had been engaged by the Tripartite Agreement, and also whether the Minister would take steps to make sure that the dismissed labourers would be re-employed.

The Assistant Minister for Local Government (Mr. Njiriri): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Labour and Social Services. The Central Rift Council Finance Committee recently held an extraordinary meeting to consider its rapidly deteriorating financial position and it decided that the Tripartite Agreement which finished on 8th April 1965, should not be renewed. Some people, however, were expelled from working. I understand from the Treasury that a grant will be made for those people who were dismissed and they will be able to continue working until the end of their contracts, in accordance with the Tripartite Agreement.

Mr. Tannu: Mr. Speaker, Sir, could the Assistant Minister tell us whether these people are being returned to work or whether they are still out?

Mr. Njiriri: Mr. Speaker, Sir, some of them have been returned already.

Mr. Tannu: Mr. Speaker, Sir, would the Assistant Minister assure this House that all of them will be returned?

Mr. Njiriri: Mr. Speaker, Sir, according to the Tripartite Agreement which the Government is planning to follow.

Mr. Kerichi: Mr. Speaker, Sir, will the Minister tell the House the number of those who have returned to work and those who are still to be returned?

Mr. Njiriri: Mr. Speaker, Sir, I have no figures but he can come to my office and I will give them to him.

Mr. Choge: Mr. Speaker, Sir, I wish to ask the same question which was not answered by the Assistant Minister. Will the Assistant Minister therefore make further assurance of all those working in Nakuru will they too be taken back again?

Mr. Njiriri: Mr. Speaker, Sir, I said—and I am going to repeat—the Government is going to follow the Tripartite Agreement.

Mr. Ely: Mr. Speaker, Sir, on a point of order, may I seek your guidance, whether I would be in order to ask the Assistant Minister to answer this question, which affects all the civil land authorities, not only affecting the particular authority but also affecting all the local authorities in the country. This question of dismissal of employees?

The Speaker (Mr. Slade): When you get a question that relates to something that has happened in a particular area, supplementary questions have to be limited to what is going on in that area. Actually, subject to that, you can go on asking supplementary questions until we move on to the next question; which we have now done, any how.

Question No. 2094

SETTLEMENT OF PEOPLE FROM LEMBUS

Mr. Tannu asked the Minister for Lands and Settlement whether he could tell the House when he was going to settle the 600 men from Lembus who had been left landless after the Lembus right-holders' list was completed.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The settlement of these people will be considered in the normal way when (a) the Report of the Stamp Commission has been made to the Government; and (b) the Government can raise money to expand the Perkerra Irrigation Scheme.

Mr. Tannu: Mr. Speaker, Sir, is the Assistant Minister aware these people were given promises as far back as 1960 that they were going to be settled and nothing has been done up to now, and that plans are going on for them to be evicted in that area?

Mr. Gachago: Mr. Speaker, Sir, the Assistant Minister is not aware of that. What he is aware of is that, in 1961, the Government decided to protect Perkerra River which runs through a dry, overpopulated area. A commission, namely Lembus Forest Commission—when the colonialist government ruled over you—were set up to find out how many right-holders there were and so to see who should be settled there. The list of the right-holders was made and all of them were settled in the Lembus Forest. Those who were not right-holders were treated like any other squatters and they were not given land in the Lembus Forest.

Mr. Tannu: Mr. Speaker, Sir, is the Assistant Minister aware that these people who are considered to be non-right-holders are the sons of

[Mr. Tannu]

the right-holders in that forest, and that by virtue of their being sons of these people, they are right-holders?

Mr. Gachago: Mr. Speaker, Sir, I do not know what the hon. Member would think about the squatters, but even though the squatters are the sons of the right land holders, the land cannot be extended, because the land is not made of rubber, and this land was distributed among the people who were the right-holders at that time. If the hon. Member feels that there is a case for the settlement of the sons of the right land holders, then the hon. Member should put forward that case, and not the case of that particular land and the Government will consider settling them.

Mr. Choge: Mr. Speaker, Sir, could we know from the Assistant Minister what the Ministry is doing to resettle the 600 landless people and find them some development somewhere else?

Mr. Gachago: Mr. Speaker, Sir, I refer the hon. Member to the HANSARD if he was not listening to what I said, I have already said what the Government is considering doing.

Question No. 2075

AFRICANIZATION: PATRON AND PRESIDENT OF KENYA NATIONAL PARKS

Mr. Ngala asked the Minister for Natural Resources and Wildlife to tell the House whether he intended to Africanize the positions of Patron, Honorary President, and Honorary Vice-Presidents of the Kenya National Parks.

The Minister for Natural Resources and Wildlife (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply. My Ministry has decided that eminent Kenya people should hold these positions of honour as soon as possible, and urgent steps are already being taken towards this end.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply, would the Minister agree with me that a simple issue such as this should not have taken so long?

Mr. Ayodo: Mr. Speaker, Sir, I do not agree.

Mr. Khalif: Mr. Speaker, Sir, could the hon. Minister tell us whether he envisages allowing Kenya people of non-African origin, because when he says "Kenyan people", we do not know whether it is Africans, Europeans or Indians, as far as the question is concerned, could he tell us whether by Kenya people, he means it is the Africans who are to take over these posts?

Mr. Ayodo: Mr. Speaker, Sir, it is a little surprising that this should not be clear to anybody. Kenya people means people like yourself, hon. Member.

Mr. Shikha: Mr. Speaker, Sir, arising from the Minister's reply, in which he said that the Government is taking urgent steps to see that these posts are more or less Africanized, could he tell the House in view of the fact that this is not a very serious or very hard thing to be done, how long can we expect this to be done, one month, seven months, seven years or eight thousand years?

Mr. Ayodo: Mr. Speaker, Sir, I think it is enough to tell the House that we have decided on this and that we are taking urgent steps to see that it is done. I think that is as much as I can say.

Question No. 2061

LENGTH OF TIME IT TAKES TO BECOME A CITIZEN

Mr. Bahah: Mr. Speaker, Sir, arising from Home Affairs if he could tell the House how long it was taking a person to obtain his naturalization/citizenship.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. It takes as short a time as possible for all the formalities that are asked for to be fulfilled by the applicants.

Mr. Bahah: Mr. Speaker, Sir, arising from the reply that it takes as short a time as possible, could the Assistant Minister tell this House how long how many months does it take for a man to obtain his citizenship?

Mr. Nyagah: Mr. Speaker, Sir, in terms of months. In the past, an application for naturalization used to take anything up to six months. This period could be considerably reduced, depending on whether the applicant fulfils all the formalities as quickly as possible.

When a person has completed an application and has fulfilled all that is required of him, and the onus is on him, then the Ministry does its best to see that he gets his application replied to in a positive or negative manner depending upon the findings.

Mr. Bahah: Mr. Speaker, Sir, is the Assistant Minister aware that at the moment such applications have been submitted and it is almost seven or eight months and they have not been approved?

Mr. Nyagah: Mr. Speaker, Sir, I spoke of the formalities. For the interest of the hon. Member

Question No. 2097

RELIGIOUS BUILDINGS IN NAIROBI CITY

Mr. Theuri asked the Minister for Local Government if—

- (a) he could tell the House whether the Government had any plan in the near future for stopping any religious bodies from building buildings in connexion with their religious activities within the City of Nairobi without permission from Government; and
- (b) the Government was prepared to issue instructions to all those bodies within the realm of the Nairobi City that any bell in their clock tower put there for the congregation would not be rung within the City of Nairobi.

(The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I wish to reply to the first part of the hon. Member's question by explaining that no religious body can put up buildings in connexion with its religious activities on leasehold land in the City without the permission of the Government. The policy of the Government is to avoid allocation of plots for religious buildings in central Nairobi as they have no economic value for the rents charged. Mr. Speaker, Sir, no private person can erect a building in Nairobi without the Nairobi City Council's permission.

The answer to the second part of the question is as follows: Mr. Speaker, Sir, in respect of this part I beg to advise the hon. Member that the ringing of bells with regard to disturbance is controlled by the Nairobi City Council under its nuisance by-law. I wonder why the hon. Member has chosen to single out church bells as a form of nuisance rather than automobiles and aeroplanes which one would consider more hazardous to human life and nerves. Church bells are only rung at certain times of the day and I think most Members would agree that their sound, if anything, is very melodious and soothing.

Hon. Member must know that freedom of worship is guaranteed in the Constitution and one wonders why this question has been asked in the House particularly, as no Member of the public has objected to the Nairobi City Council to the ringing of church bells.

Mr. Theuri: Mr. Speaker, Sir, arising from the Minister's reply to the second part of my question, what would happen if all the bells within the City of Nairobi were to be rung while the House was sitting, about six o'clock?

Mr. Sagini: Mr. Speaker, Sir, this is an abstraction, and very often religious persons and Ministers are well trained philosophically, theologically. They are very reasonable men and would not ring bells in such a manner as to cause a disturbance.

Mr. Mbogoh: Mr. Speaker, Sir, would the Minister assure this House that he will instruct all those churches who have bells in Nairobi to ring their bells on Sundays only, and not to ring them all together during the time when people are in offices, so as not to disturb them?

Mr. Sagini: Mr. Speaker, the ringing of bells has been going on from time immemorial and it has never hurt the human race.

Question No. 2085

EMPLOYMENT OF COMMUNITY DEVELOPMENT OFFICER: WEST POKOT

Mr. Lorens asked the Minister for Labour and Social Services to tell the House why William Sindano from Pokot, who had attended a community development course at the Kenya Institute of Administration, had not been employed in community development in West Pokot.

The Assistant Minister for Labour and Social Services (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. Mr. William Sindano was accepted for training as a community development assistant by the Kenya Institute of Administration and attended a course at Kabete from 2nd May to 18th December 1964. He did not reach the standard required of a community development assistant and, therefore, was not given a certificate. It was recommended, however, that he would make a suitable locational leader.

Employment of community development assistants is a responsibility of local authorities. I understand that Sirikwa County Council has delegated this responsibility to Pokot Area Council, and that unfortunately the area council is financially unable to employ any community development staff. It is, therefore, useless for the Community Development Department to post an officer to Pokot since such an officer would be ineffective without suitable junior supporting staff.

I should like to add that there are a number of local authorities in the country whose inability to employ community development assistants is making it difficult to initiate the National Community Development Plan which seeks to involve the people in the task of nation-building.

Mr. Ngala-Aboke: Mr. Speaker, Sir, would the Assistant Minister tell this House how this man was chosen to join the training and how he failed to prove suitable for employment and did not get a certificate?

Mr. Kubai: Mr. Speaker, this was done by the local authority.

Mr. Komora: Mr. Speaker, Sir, will the Assistant Minister tell the House whether this gentleman will have a chance to repeat the course, and perhaps he will succeed?

Mr. Kubai: Mr. Speaker, if he can make an improvement in his standard he would be given another chance.

Mr. Mafu: Mr. Speaker, Sir, is the Assistant Minister aware that in the task of nation-building, Meru has provided many people, some of the best men and women, so that Meru, too, should be considered?

The Speaker (Mr. Slade): That is nothing to do with the question.

Question No. 2112

EXPANSION OF ISRAEL INSTITUTE, MACHAKOS

Mr. Ndile asked the Minister for Labour and Social Services if he would tell the House whether he intended to expand the present Israel Institute at Machakos to accommodate more men and women for social training?

The Assistant Minister for Labour and Social Services (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. I am happy to be able to inform the hon. Member for Machakos South that plans have been formulated and approved for the expansion of the School of Social Work, which is situated at Machakos.

In January this year the Kenya Government formally accepted responsibility for the School of Social Work and, with the aid from the Israeli Social Work and, with the aid from the Israeli Government and anticipated assistance from the United Nations Technical Assistance Board, is planned to double the existing accommodation. In addition to the two-year course for social workers, it is the intention to organize inter-service training courses for social welfare workers who are already in employment.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister assure this House that, although the Ministry intends to extend the Israeli school at Machakos, it would, at the same time, control the Israeli Institute at Machakos?

Mr. Kubai: I think the hon. Member did not follow my reply. I said that the Government has taken over this institute.

Mr. Ngala-Aboke: Mr. Speaker, Sir, will the Assistant Minister tell the House whether his Ministry is considering changing the name altogether, or changing the name, particularly with reference to Israel?

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

Mr. Ely: Mr. Speaker, Sir, would the Assistant Minister agree with me that instead of extending the Machakos Institute he should consider opening another one to be run by the same people from Israel?

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

Mr. Matlode: Mr. Speaker, arising from the Assistant Minister's reply when he said that plans have been formulated and accepted, can he tell us how soon he expects these plans are to be put into practice?

Mr. Kubai: Mr. Speaker, as soon as possible. I would say that in the first year of take-over, the Kenya Government is providing some £5,000 for recurrent expenditure and increasing the amount to approximately £8,000 in the second year. In addition, £10,000 has been budgeted for capital expansion. Increased accommodation and recurrent expenditure will mean that approximately fifty students will be in training in any given year for the two-year training course. In addition to this service, training will be provided for welfare workers in employment in accordance with the demand.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that this Institute is the first of its kind in Kenya, would the Minister consider making this one as the basis for expansion of similar institutes in Kenya to cater for the whole country, not only for Machakos?

Mr. Kubai: That has been noted, Mr. Speaker, and it is catering for the whole of Kenya, not Machakos alone.

Mr. Gaturu: Mr. Speaker, Sir, may we know the basis of admission to this Institute, for men and women?

Mr. Kubai: Mr. Speaker, Sir, students are sent by the local authorities.

[Mr. J. M. Karikali]

for its use, this House urges the Government to consider building its own office blocks and thereby save money for other development projects in the country.

POINT OF ORDER

NOTICE OF MOTION

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, this is with regard to the notice of motion which was given by the hon. Member, Mr. Maisori-Itumbo. His Excellency the President made a very lengthy and exhaustive statement regarding these firearms. Further, it has been ventilated elsewhere, and still further, these particular countries who offer gifts are still—

The Speaker (Mr. Slade): Is it a point of order, or are you debating the Motion?

Mr. Argwings-Kodhek: —friendly countries. Are we in order to look a gift horse in the mouth even on the Floor of this House?

The Speaker (Mr. Slade): Order. It is perfectly clear in our Standing Orders that there can be no hostile reference to a friendly country, except by way of substantive Motion, but there is nothing to prohibit, under our Orders, an hon. Member making a direct attack on a friendly country by substantive Motion, if he sees fit to do so. I think what you have to say can be said when the Motion is debated.

ORAL ANSWERS TO QUESTIONS

Question No. 2090

POKOT RECRUITMENT TO KENYA ARMY

Mr. Lorema asked the Minister for Internal Security and Defence why the recruitment to the Kenya Army which was meant to give chances to the Pokot was done in Kitale on 6th March 1965, instead of in Kapenguria.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. In the first place, I do not know what the hon. Member really means by saying the recruitment to the Kenya Army was meant to give a chance to the Pokot in particular. The army required at this time about 300 recruits, and it wanted the best men it could get. Instead of attempting to visit every tribal area and recruit on a tribal basis, main towns and centres were visited, and opportunities to enlist were given to men of all tribes. In the

North-west of Kenya, recruitment centres were set up at Kisumu, Kakamega, Kisii, Homa Bay and Kitale. The Kitale centre attracted more than 4,000 people, would-be recruits and so on, coming from as far afield as Lodwar. Mr. Speaker, A number of Pokot were recruited in these places, but I would point out that this tribe has not, in the past, displayed much interest in joining the Kenya Army and, as a matter of fact, they constitute just about 0.9 per cent of the population of Kenya, apart from anything else.

The outlying districts, in the past, were visited and will continue to be so visited in the future, but not on every occasion, that recruits will be required.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that out of 300 Pokot who attended the interview at Kitale, practically none of them was taken during these interviews?

Mr. Argwings-Kodhek: Mr. Speaker, I do not know what "practically" really means in this context. If he admits that Pokot were taken, I quite agree with him.

Mr. Masinde: Arising from the Assistant Minister's reply, is it not true that since the Pokot are not medically fit, they cannot expect to be recruited?

Mr. Argwings-Kodhek: Well, Mr. Speaker, Sir, our recruiting team has very efficient officers and they take only the best men, fit in every way, and any unfit Pokot or any unfit member of any other tribe would not be allowed to join the Kenya Army.

Mr. Shikuku: Arising from the Assistant Minister's reply, would he not agree with me that the Kitale recruitment covered such a large area, and as such, the Pokot would not have had enough chance to get their way through, and that in future the recruitment of people into the army should be made from the National Youth Service which is composed of all the constituencies?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I can assure the hon. Member from Butere that on this particular occasion when only 300 men were wanted the recruiting team started on their itinerary on 27th February, and this went on to 23rd March. Further, they embraced all the tribes. But there is a plan for every member of the National Youth Service. We are at the moment organizing things to find out the background of every member of the National Youth Service, to see if he has the basic qualifications.

[Mr. Argwings-Kodhek]

we will, if possible, recruit members to the police, the army, and other security services from the National Youth Service, if they have the basic qualifications.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's supplementary reply, when he said that the Pokot youths were not taken owing to their medical unfitness, would he agree with me when I say that this unfair state of affairs was caused in order to coincide with the usual tribalistic tendencies of the majority tribes in power?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, the answer is no.

Question No. 2080

REMOVAL OF CLASS FROM KABIANGA SCHOOL

Mr. Kerich asked the Minister for Education if he would tell the House the reason why one class in Kabianga Secondary School had been removed, thereby leaving only one class; whether the Provincial Council had recommended that Kabianga was to have double streams in 1965.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. The number of classes to be admitted at Kabianga was reduced from two to one, firstly, because the number of new streams proposed by the Provincial Council was greater than the number which could be allocated to the province; and, secondly, because the competing claims of other appropriate secondary school sites in the province, prevented the allocation of more than one stream to Kabianga, as a matter of priorities within the province.

Mr. Kerich: Mr. Speaker, Sir, does the Assistant Minister agree with me that it was a direct plea by the Ministry to grab one class from Kabianga and take it away to an unknown destination?

Mr. Konchellah: Mr. Speaker, Sir, I quite agree with the hon. Member that a double stream at Kabianga was one of the projects included among the eleven classes recommended by the Provincial Council. At first, after the Provincial allocation Council had been raised to eight classes, Kabianga was accepted by the Ministry as taking up two of the available classes. Subsequently, the needs of other tribes and particularly the need for a new day secondary school at Nakuru were reconsidered. It was decided that a new stream at Nakuru had a higher priority than a second stream at Kabianga, and one class was therefore allocated to Nakuru.

Mr. Kerich: Mr. Speaker, Sir, because there are twenty empty classrooms in Kabianga, and about eight empty dormitories in Kabianga, could the Assistant Minister assure the House that in 1966 Kabianga will have double stream?

Mr. Konchellah: Mr. Speaker, Sir, I would not assure the hon. Member that Kabianga will have a second stream, but as I said, at present, we are not ready to increase new secondary schools, but double streams are going to be recommended. So, if the province gives priority to having a second stream at Kabianga, we will consider it.

Mr. Masinde: Mr. Speaker, Sir, can the Assistant Minister tell this House what his Ministry has done to find places for those students who would have otherwise gone into this second stream at Kabianga?

Mr. Konchellah: Mr. Speaker, Sir, the question of finding places for students who were supposed to go to the second stream at the Kabianga school is a problem which has been affecting other areas in Kenya as well.

Mr. Bly: Mr. Speaker, Sir, in view of the fact that a large number of Kericho students who are qualified for Form I would have gone to Kabianga Secondary School and were ignored and left without being considered at all, would the Assistant Minister tell us where those students will be placed?

Mr. Konchellah: Mr. Speaker, Sir, I would say that the students who did K.P.E. in Kericho District have been given fair consideration when they were sent to proper secondary schools. For instance, in Narok Secondary School, seventeen boys from Kericho were allocated seats and they would not even have gone to the second stream in Kabianga. There are a number also from the same district in Kalindo and by so doing I think we have deprived boys from that area from going to this secondary school.

The Speaker (Mr. Slade): Next question.

Question No. 2016

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, to the best of my knowledge, this question—

The Speaker (Mr. Slade): Yes, I was just going to tell the House that this question, Question No. 2016, has already been answered. Therefore, Question No. 2016 should not have been on the Order Paper today.

We will now move on to Mr. Theuri's question.

The Speaker (Mr. Slade): Mr. Achieng-Onoko, would you like to take the Committee stage today?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Yes, Sir, with the leave of the House.

Mr. Khalif: I beg to object, Sir, to the Committee stage taken today.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, in this case where one particular Member objects on all Bills which we have to take through Committee stage, and he does not give reasons, there may be suspicion that the hon. Member has something which we are entitled to know.

The Speaker (Mr. Slade): Hon. Members must understand that where the leave of the House is required it means that there is some quite unusual procedure which can be stopped by a single Member objecting; and he cannot then be required to give a reason. If the House does not unanimously give leave, then there is no leave. The hon. Member can give reasons for objecting, but he is not required to do so.

(The Bill was committed to a Committee of the Whole House tomorrow)

ADJOURNMENT

The Speaker (Mr. Slade): There is no further business on the Order Paper today and the House now stands adjourned until tomorrow, Wednesday, 12th May, at 2.30 p.m.

The House rose at Six o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 1097

DEMAND FOR REMOVAL OF CHIEF

Mr. Rurumban asked the President if he was aware that the people of Korossi Location had demanded the removal of Chief Lukodo from his chieftainship.

REPLY

The Assistant Minister, President's Office (Mr. Nyamweya): No, Sir, the Government is not aware that the people of Korossi Location demanded the removal of Chief Lukodo.

Question No. 2089

MONEY ALLOCATED TO WEST POKOT FOR CELEBRATIONS

Mr. Lorema asked the President to tell the House the amount of money that had been allocated to West Pokot for the following functions—

- Kenya Day Celebrations; and
- Jamhuri Celebrations.

REPLY

The Assistant Minister, President's Office (Mr. Nyamweya): West Pokot was not, in common with most of the districts in the country, allocated any money for the Kenya Day Celebrations, but it was allocated Sh. 2,000 for the Jamhuri Celebrations.

Wednesday, 12th May 1965

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

The Speaker (Mr. Slade): I have to inform hon. Members that His Excellency, the President, has assented to the following Bills, at the dates specified:—

No.	Title	Passed Third Reading		Date of Assent
		House of Representatives	Senate	
1.	The Supplementary Appropriation Act, 1965	3-3-65	9-3-65	16-3-65
2.	The Motor Vehicles Components and Accessories Act, 1965	10-11-64	3-12-64	30-3-65
3.	The National Youth Service Act, 1965	11-11-64	26-2-65	30-3-65
4.	The Animal Diseases Act, 1965	4-11-64	9-12-64	30-3-65
5.	The Electric Power (Amendment) Act, 1965	3-3-65	12-3-65	30-3-65

Mr. Khalif: Mr. Speaker, Sir, on a point of order, what happens when a Bill is passed by the Lower House and the Senate, but it is not assented to by the President?

The Speaker (Mr. Slade): It cannot become law.

PAPERS LAID

The following Papers were laid on the Table:—

United Nations Mission to Kenya on Housing.
(By the Minister for Health and Housing (Mr. Ottende))

Sessional Paper No. 7 of 1963/65—Internal Labour Conference: Proposed action by the Republic of Kenya on certain conventions and Recommendations adopted by the Internal Labour Conference.

(By the Assistant Minister for Labour and Social Services (Mr. Odera-Jowi) on behalf of the Minister for Labour and Social Services (Mr. Mwendwo))

NOTICES OF MOTIONS

PROTEST TO THE GOVERNMENT OF THE U.S.S.R.

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

"THAT this House notes with serious concern and disappointment, and is therefore most indignant at the two incidents whereby:—

(1) Twenty-nine Kenya students were for sometime greatly mistreated and humiliated in the U.S.S.R. and ultimately expelled from the Russian territory with indignation in the eyes of the world.

(2) Rusty, outdated and useless arms were intentionally delivered to Kenya as a gift by the U.S.S.R. Government, which according to their conditions were an insult to the Government and the people of Kenya.

Calls upon the Kenya Government to deliver a solemn note of protest to the Government of the U.S.S.R. expressing the indignant feelings of the Republic of Kenya and her entire people.

LEGISLATION FOR TRADING LOANS

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

"THAT this House notes with dissatisfaction the methods used by the Government in granting trading loans and therefore urges the Government to rectify the defects by passing an effective legislation to enable traders to borrow money for—

- building shops and business houses,
- buying buses, and
- for other purposes not allowed by the present legislation.

CANCELLATION OF PUBLIC MEETINGS: MURANG'A

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

"THAT this House notes with great concern and disapproval the Government's decision to cancel without notice under Official Orders public meetings recently arranged to be held in Murang'a District.

GOVERNMENT TO BUILD OFFICE PREMISES

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

"THAT in view of the fact that a colossal amount of money is being spent by the Government in renting private-owned premises

[Mr. Mbogoh]

member that when this comes in and it has been passed, all the foreign countries which have their money will be interested in this money which is to be given to this company, which has been taken over by the Government, and every foreign country with its satellites will like to come and value and pretend they have experts who will always like to commit the taxpayers' money in this case and get the company profits.

When this Bill was passed, it was intended that these broadcasting media should be used properly to save the money of the people of this country, instead of the companies making a lot of profit which was not shared by the people of this country. So, when the Minister goes to get these valuers, I quite agree with the hon. Members who said that he should be very careful, but also I would add that he should be careful not to make this issue a cold war issue, in view of the fact that I have seen that every foreign country wants to help the 'Voice of Kenya' today to develop its services to the extent that these countries will be having an interest either in the machinery of the Voice of Kenya or in the Voice itself. That will commit the Minister so much that the country will not receive what they expect.

Mr. Speaker, as the Minister said himself, when he was moving this amendment, the aim of the taking over of this broadcasting station was to give the people of this country exactly what they expect, and he stated that he has been trying all the time to select material which is suitable and to the benefit of the country—

The Speaker (Mr. Slade): Mr. Mbogoh, I explained to the Minister and to Mr. Gichoya that we cannot go into that on this Bill, I am afraid.

Mr. Mbogoh: Mr. Speaker, I was just finishing with that point, which was his own, not mine.

The Speaker (Mr. Slade): Debate on this Bill is restricted to the question of compensation.

Mr. Mbogoh: Mr. Speaker, what I was going to say there is that as soon as the Voice of Kenya is made national and all the material there is national, everybody in this country will be very happy and we hope that the Minister will not commit us in the cost of taking over this broadcasting station and we will be quite happy about everything he does.

So, Mr. Speaker, I support the Bill unreservedly and hope that the Minister will not commit us.

Mr. Omweri: Mr. Speaker, Sir, while I join the other hon. Members in supporting the Minister, I have a small point to ask the Minister to clarify, and since this is a short Bill, I do not think I will waste time in talking much about it.

This looks a technical point, where it says in clause 2 "the Kenya Broadcasting Corporation Act (hereby repealed)". I am quite at a loss, Mr. Speaker, I do not know whether, this Corporation Act having been repealed by that, it is appropriate that the title should read "The Kenya Broadcasting Corporation (Nationalization) (Amendment) Bill, whether it could not be a different title altogether, since that clause repeats it. I would like the Minister to clarify how we should refer to it, whether as the Broadcasting Corporation or the Voice of Kenya, a new Act to give proper reference and clear meaning to the Members and to the country.

The other point I have to raise is on the Memorandum of Objects and Reasons. The first paragraph says that this is a Bill "to provide for the assessment and payment of compensation..." When the original Bill was brought to this House, Mr. Speaker, there were explanations as to where money came from and how that money had been spent, and I thought this was done after the assessment and after everything had been taken into account, how much they were valued at, and then the money was used. I would also like the Minister to clarify that position, and then we will know exactly whether we are being asked, in future, to give more money again to add on, if there is any increment on the assessment of the property the contractors might have invested in this Corporation.

Mr. Speaker, Sir, if those points are made clear to me, then I will support the Bill.

Mr. Khalif: Mr. Speaker, Sir, I do not really want to speak on this Bill, except that I want to say in the Memorandum of Objects and Reasons, paragraph 2, it says, "The enactment of this Bill will involve expenditure of public funds but it is considered inopportune to refer to a specific figure in relation to the compensation." Now, in view of the fact that we do not know the public expenditure which will be undertaken on the enactment of this Bill, I would request the Minister concerned to let all hon. Members know, after the assessment and after completing all the work involved, how much public expenditure will be involved as a result of the enactment of this Bill.

I would like to support, Sir.

The Minister for Information, Broadcasting and Tourism (Mr. Achungi-Onoko): Mr. Speaker, Sir, I must express my thanks to the hon. Members for having spoken in favour and support of this very short Bill.

First of all, Mr. Speaker, I would like to appeal to hon. Members on one point: that is details about expenditure and how much will be needed to pay during the discussions and negotiations, or if eventually we go to arbitration. Mr. Speaker, this is one of my secrets, or the second string to my bow, because if it is discussed, then I will be involved in saying how much we have earned since we took over, and whether we are running at a loss. I hope the hon. Members know why I am trying to avoid this issue at this time, and that is why also it was omitted on page 170, clause 2. I think the hon. Members do understand that it is premature at this stage to go into these details.

I would like to reply to the point raised by the hon. Mr. Omweri when he inquired whether we provided for negotiations and payment. Yes, it is true that this is provided for. It was done in this House. We had to negotiate with the former television company known as Television Network (Kenya) Limited. Now, my reason for bringing this Bill at this moment is, should these negotiations fail then we shall have to go to arbitration, that is, we shall have to go to court, in order to assess the proper amount to be given to Television Network (Kenya) Limited. In fact it will be known to the House how much we have agreed to. We have not paid anything so far. Negotiations are still going on and as soon as we arrive at any decision or finality of the position then the whole country and the House will know exactly how much we are going to pay to the contractors.

About the title of the Bill, I think this is merely technical. It is to amend the Kenya Broadcasting Corporation (Nationalization) (Amendment) Bill of 1964 and, therefore, we could not call it anything else except if I were bringing in a new Bill on the Voice of Kenya.

Mr. Speaker, it is not the intention of my Ministry or the Government to drag the whole country into a sort of cold war. I do not know why the hon. Member chose to point this out. Here, we are more or less concerned with how much should be paid to the contractors who initiated the Kenya Broadcasting Corporation. I do not think there is any question of cold war; I think this issue could be discussed elsewhere and not when we are discussing what assessment we should give to the contractors.

Mr. Speaker, I am very grateful to the House for issuing quite a number of warnings. I would

not really call them warnings but advice. I am grateful to the House for asking me to be careful not to misuse or spend carelessly public money. If I were to do so, Mr. Speaker, I would have, by now, reached some conclusions with the contractors. The Government is very careful to see that public funds are used in the best interests of the country.

The hon. Member for Gichoya, who is not here at present, said that probably there may be some special people who may be on the board. There are only two parties in this particular negotiations, the contractors and the Kenya Government, and those who are going to sit on the side of the Kenya Government are experts, they are loyal to Kenya, they work for Kenya and I trust they will do their best for Kenya and for this hon. House. In fact, I will be receiving progress reports from time to time from them. So, here there is no question of abruptly discussion or giving one cent more. It is just a question of the right thing to be done and to see that the public funds are not misused.

It is true that outstanding men will be involved in this. The same will apply to the side of the contractors. We will have to show them our sense of judgment and I am sure some conclusion will be arrived at. We may not even have to go to arbitration.

Mr. Speaker, reference has been made to this particular Bill as setting a standard for future nationalization. I would not like to go into this because we have discussed this at length last year and the only thing I hope is that this will be of great use to other Ministries as well. I hope that any Bill that may be formulated in future will be based exactly on this one. After a year we will know exactly what to do and we shall not be swayed by the arguments of the contractor as one hon. Member, the hon. Jahazi, mentioned. We intend to do the right thing for the country.

Mr. Speaker we are going to try and be careful and any decision arrived at will be reported for the information of the hon. House and the whole nation.

As I have said, I would not like to go into how details as to how much we have earned, how much is nationalization going to cost us, how much we have lost. I think this House should wait until a report on the work of the Voice of Kenya is tabled here for information of hon. Members.

With those few words, Mr. Speaker, I beg to move.

(Question put and agreed to.)
(The Bill was accordingly read a Second Time)

[Mr. Gichoya] to the Government, my brother definitely, as it is known, would try to put down the figures to the best interest of our own family rather than the Kenya Government. That is why I say that we must get independent people, preferably people with records of judicial life, who are recruited and people who can give judgment on the basis of the facts, and no more. If it is a question of the companies that were involved having the expert advice, I believe, Mr. Speaker, this country would run backward, paying for nothing, but the value would be stated, and figures shown, and specifications made in a legal juggle or commercial juggle, and our Minister would accept in good faith that these are facts as they are. In actual fact, they will no longer be the facts. This, Mr. Speaker, Sir, is my fear, that the people to determine what should be paid to the former contractors should not be people who have vested interests in that particular contract.

The other thing, Mr. Speaker, Sir, that I would like to state, is that it is somehow unfortunate that the civil servants have used the Voice of Kenya—

The Speaker (Mr. Slade): Does this come into this Bill?

Mr. Gichoya: It is by the way, Mr. Speaker.

The Speaker (Mr. Slade): Very much by the way, is it not?

Mr. Gichoya: Mr. Speaker, Sir, what I was trying to say is in connection with the payment we are making we are being asked to pay for something which is supposed to be ours, which in actual fact, Sir, is—

The Speaker (Mr. Slade): You can only deal with the assessment of compensation for the outgoing contractors; not the value that we are getting from the Voice of Kenya for that payment. You cannot do it that way?

Mr. Gichoya: Mr. Speaker, Sir, I think I will be very brief on this, but we are ready to pay the compensation and the value must be determined properly, but it will not be the value based on the assessment of the Voice of Kenya or by the Ministers and Permanent Secretaries.

It is very unfortunate—

The Speaker (Mr. Slade): No more, Mr. Gichoya.

Mr. Gichoya: So, Mr. Speaker, Sir, I—

The Speaker (Mr. Slade): Sit down. I will not have hon. Members disregarding my rulings in this way.

Mr. Kahari: Mr. Speaker, Sir, I beg to support the Minister. In his plea, to approve his Bill, since the Government fell into difficulties as to the question of assessment, as to how much we should pay for this corporation.

Mr. Speaker, I take it as a very important beginning, as we are going to nationalize many industries, this will take us over the hurdles we may encounter when it comes to nationalizing such industries. It has been almost a year now since the Kenya Broadcasting Corporation was nationalized, and I am surprised that up to now, no settlement has been reached, because I thought that the day this corporation was nationalized was the day every payment and all this was done. But, since it is very important that we should settle this, I give all the support to the Minister, and I hope the Members will help him to approve his Bill.

Mr. Speaker, Sir, I would like to warn the Government that when we come to nationalize, we should think beforehand of the cost involved, and the difficulties we have, because the taxpayers' money is involved here, and we should not be swayed very much by these people's arguments as to how much we should pay, because if they ask for so much per year, they would like, when the Government nationalizes this, that they should get at least ten years' profit in one settlement. Although these people do not agree now, Mr. Speaker, I want the Minister to be very firm and see that with all the expense we have they should assess and see how much the Government is prepared to pay for this, and not be swayed by all these bogey experts who come here with the only intention of benefiting the people whom we are trying to compensate. The Government must calculate and see what is reasonable and stick to that figure. We are not going to be bullied around by assessors who will come and say this and that, as they have done on the farms, because if the Government fall on the first nationalization of this industry, it will mean that they have found our weakness and every industry will try to nationalize, they will bring their experts, and try to bully us so that the Government finds it impossible to nationalize any other thing.

Therefore, Mr. Speaker, with all the support I have for the Minister, I urge him to be very tough and assess how much we should pay for the corporation and that should be the figure whether they go to heaven or anywhere, we all them to take, whether they like it or not. After all, the Voice of Kenya is already nationalized, and it is only a question of settlement. Mr. Speaker, I beg to support.

Mr. Kamani: Mr. Speaker, Sir, I will say very little on this Bill. I very much support the Bill, and I would point out to the Minister to bear in mind that his Ministry was the first to nationalize one of the industries in the country since our independence, and probably most of the other Ministries will follow suit. I would support the hon. Member, Mr. Kahari, that the Minister should be very careful in assessing the compensation he is going to pay to this company, because we do not want it to be the example on which other industries will say that they demand the compensation because they have learnt from the experience of the Minister for Information and Broadcasting, that they cannot value or assess the compensation that will be given.

I would request our Minister to be as tough as the Government should be to set an example that wherever, and at any time, the Government decides to nationalize any industry, it shall stand firm to see that the taxpayers' money is not wasted and it would be a very great warning to the other industries.

Furthermore, we have given him the example of the Land Settlement Board where most of the Members here, including himself, have been complaining that the assessment of valuation of the land has been made by the former settlers and they were just measuring. I think, money in pounds, in skills, until one Minister, having the African feelings in mind, will assess reasonable compensation which will not even hurt the owners of the former Broadcasting Corporation, but at the same time, he will do something which will make other people know that Government is just, but not careless.

With these few remarks, Mr. Speaker, Sir, I support the Bill.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I think this Bill is one of those Bills which really have very little quarrel with this House because I think, Sir, that there has been quite a lot of talk in this House of nationalization and similar things. I think the Ministry of Information, Broadcasting and Tourism is the first Ministry to nationalize one of its industries and I think that this particular industry is to follow, since there is—

The Speaker (Mr. Slade): We have had this point made three or four times, Mr. Mutiso. Can you keep it short?

The Assistant Minister for Education (Mr. Mutiso): Yes, Mr. Speaker.

I think, Mr. Speaker, since many, many industries are being urged to nationalize their industries, we shall follow the good example of the Minister for Information, Broadcasting and Tourism. However, Sir, I want to sound one word of warning to the Minister. That is, recently we had a mission from the United Kingdom which was sent here to try and investigate the possibility of the European settlers who own land here, supposing if they leave the country, whether we shall be in a position to run those farms efficiently. Mr. Speaker, I personally felt that this was an abuse of our own integrity and sovereignty as a state and I would not like to see the Minister for Information, Broadcasting and Tourism trying to borrow or to ask for some experts from overseas to come and advise him or try to assess how much compensation we should pay to this corporation. As he has indicated, since the nationalization took place, these negotiations have gone on for quite a number of months and it does seem to me as if there has perhaps been some confusion or they have come to logarithmic and that is why the Minister perhaps wants the authority of this House to go to arbitration if need be.

I should think, Mr. Speaker, the Minister should be very tough and give the credit where it is due and also try to assess how much the corporation has earned in the past and also try to find the assessors—the local people—from Kenya who have the interests of the nation at heart and also the people who, I should imagine that is possible, Mr. Speaker—the Africans who really have gone through many technical experiences who are able to assess and give a value of whatever machinery and equipment is this corporation had. I think, Mr. Speaker, we should also give us prestige and make us feel that we are really independent and do not very much rely on overseas technical experience.

So, Mr. Speaker, I think this is one of the Bills which will receive very little opposition from this House, if there is any, and I would also join my friends who have spoken in supporting the Bill, and I hope the Minister will take the advice that he has received from the Members.

With these few words, Mr. Speaker, I support the Bill.

Mr. Mbugoe: Mr. Speaker, Sir, in supporting this Bill, I would first of all warn the Minister that I will give credit where I am not satisfied that I will withdraw it where I am not satisfied that everything is being done properly.

Mr. Speaker, when the Minister is taking into consideration this Bill, he must first of all re-

The Deputy Speaker (Dr. De Souza): Mr. Gichoya, are you in fact giving notice of a proposed amendment?

Mr. Gichoya: This is exactly the one I am quoting. Mr. Deputy Speaker, that in clause 4, subsection (2), to make it clear, after any police officer there should be a bracket and the words "from sub-inspector of police upwards" inserted, so that it reads, "Any police officer (from sub-inspector of police upwards) may arrest without warrant...."

The Deputy Speaker (Dr. De Souza): Mr. Gichoya, I do not know whether you are aware that the Memorandum of Objects and Reasons is not part of the Bill.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Deputy Speaker, Sir, I—

Mr. Gichoya: I have not finished.

The Deputy Speaker (Dr. De Souza): He has not finished; he probably sat down because I was interrupting. Continue, Mr. Gichoya.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, was the Member in order when he said, "With these few words I beg to continue"? Was he in order?

Mr. Gichoya: Mr. Deputy Speaker, it is very unfortunate that the Assistant Minister in the Ministry dealing with Education, which also deals with the English language, is unable to make out the difference between the words continue and sit down.

Mr. Deputy Speaker, my amendment is on section 4 (2). Now, so far as the Memorandum of Objects and Reasons is concerned, I wonder whether—

The Attorney-General (Mr. Njonjo): It is already amended.

Mr. Gichoya: Mr. Deputy Speaker, the Attorney-General says it is already amended. You say we do not have powers to amend—In that case I am subject to correction.

If this Memorandum of Objects and Reasons cannot be amended, do we have, as Members of Parliament, any way out whereby we are in a position to put forward what the Memorandum of Objects and Reasons should be, because this one as a part of the law which explains the implication of the law shows that we have no power whatsoever over the foreign nationals who are here seconded by their own country, or borrowed

as expatriates, in one form or the other. I would like an explanation.

The Deputy Speaker (Dr. De Souza): For the information of hon. Members I should like to say this. The Memorandum of Objects and Reasons is merely to explain and guide hon. Members on the purpose of the Bill. It does not form part of the Bill at all and, therefore, cannot be amended. Any amendment must be directed to the subject of the Bill. I think Mr. Gichoya does know that he will have to give notice in writing before the sitting day if he wants to move an amendment. You can do so on the day of the Committee stage of the Bill.

Mr. Ngala-Ahoko: On a point of order, Mr. Deputy Speaker, if you say that the Memorandum of Objects and Reasons cannot be amended, they are there merely to explain the purpose of the Bill, does that mean that even when it appears that the explanatory note does not explain what Members would like to see, the House still has to take it as it is, however wrong it may be? Is there no way whatsoever in which we can handle this situation? Is there no way in which we can obtain the explanation conforming with what the Members would like to see?

The Deputy Speaker (Dr. De Souza): I must explain here that if hon. Members are not satisfied with the Memorandum of Objects and Reasons they have to propose an amendment to the substantive portion of the Bill, namely, that part of the Bill which will finally become law. The Memorandum does not become law and therefore it cannot be employed in a court. It is only for the guidance and information of hon. Members. It has nothing to do with the law as such. It never becomes law and is not part of the Bill.

Mr. Gichoya: Mr. Deputy Speaker, Sir, is terms of clause 4 I beg to—

The Deputy Speaker (Dr. De Souza): You cannot propose it now.

Mr. Gichoya: I know, Sir, I am putting it before the Minister now. So far as the Objects and Reasons are concerned it is well and good that they are mere explanatory notes, but they give us an impression that we are making a note—

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Speak for yourself.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I speak on behalf of my Gichugu people and also on behalf of the nation, as a representative who must act in this House for the national good.

[Mr. Gichoya]

With these few words, Mr. Deputy Speaker, I beg to put my amendment at the Committee stage.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Deputy Speaker, Sir, when at school we were given an English essay to do and the title was, "Where Ignorance is Bliss it is Folly to be Wise." I obtained the first prize for the essay because I wrote at the beginning of my essay that ignorance is never bliss. I must be very sympathetic with the people of Gichugu and elsewhere—

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, is it in order for the Assistant Minister to impute by his comment, according to his own way of reasoning, that I am an ignorant person? He did that.

The Deputy Speaker (Dr. De Souza): I do not think he did actually do so yet but I think he was going to. That would not be permissible. I do not think it would be in order for him to say that any hon. Member was ignorant. He could say that an hon. Member was ignorant of a particular point; that would be permissible.

I think, Mr. Kodhek, I realize what you were trying to do.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): I think the hon. Member was jumping the step before he got to it. He called himself, at the beginning, one of the law makers of the country. Well, being one of the law makers he should know the law he makes, particularly the elementary one.

In this House, people here are mature hon. Members and they know—if they say they do not know they are not acting in good faith at all. They should know what the Memorandum of Objects and Reasons is and to ask that we should amend the Memorandum I think is—

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, is it in order for a Member to repeat what the Speaker has already ruled?

The Deputy Speaker (Dr. De Souza): Oh, yes, it is perfectly in order. He is merely commenting on what I said. It was not a ruling on my part.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): The hon. Member for Gichugu and elsewhere should also know that we get our directions from the Speaker in this House.

Now, Mr. Deputy Speaker, these books which are here are for the guidance of Members and it is a pity that Members do not exploit them. The Member for Gichugu spoke about a definition of "officer". "Officer", if he only opened one of the books here in this particular Criminal Procedure Code, at Chapter 75, at the place which says, "Interpretation", he will find out what an officer is meant to be. Mr. Deputy Speaker, we go according to the books and they are clear. In the interpretation the word "officer" is clearly defined.

I come to the other section which deals with Armed Forces. These Armed Forces will not be here unlawfully. We are not borrowing them as it were, they are here lawfully because we have asked for them. They are here as part of an arrangement whereby our boys go to have exercises in those particular countries and their boys may come to have exercises here. The offences which this particular amendment meant to leave over to the military police of those particular forces are very minor offences. These are just the offences of a person being found drunk and lying on the street. When the person drunk lying on the street, is found by the military police they will take him away and deal with him in the normal, Orderly Room proceedings according to the rules and regulations of that particular force. The Member said here about American and other forces coming down to Mombasa. Yes, indeed, and sometimes they do a number of things, interesting things, we hope! One of them, mentioned here, was rape. Rape is not a minor offence, I do not think it is. All those offences which are not minor will be dealt with by the courts here. Further, if he commits even an ordinary civil offence he will be dealt with by proceedings under the local courts. If he commits rape, as my friend said a few moments ago, he will be taken to the local courts.

The other amendment which we have to section 306—If anybody takes the trouble to have a look at section 306—

The Deputy Speaker (Dr. De Souza): Mr. Kodhek I am sorry if I must interrupt you. Did you speak on this Bill earlier on?

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): In only seconded formally.

The Deputy Speaker (Dr. De Souza): You may continue.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Hon. Members should take further time and use these

[Mr. Gichoya] and I told him that I was reading it as a Member for Gichoya to find out whether it is a finance or not a finance. After reading it and telling him that it was a finance issued to him by the County Council of Kiambu that person was completely ignorant—the policeman still insisted on a finance. I said to him "Gentleman, where do you come from?" He said "I come from Kiambu" and yet he does not come from Kiambu. He thought I was a small kid to tell me so.

Mr. Speaker, Sir, I am disputing the fact that a policeman is an officer, anybody on official duty, is a police officer. This is one clear-cut thing, that any person who is an employee of the Kenya Government in the Police Force is an officer so long as he has been told to go and operate in that particular place. He goes there with the officialdom of a policeman or as a police representative and he has the power to get hold of a person. There is no classification of an officer here, that a man up to the stage of an inspector of police or a man below the inspector, that is sub-inspector, or sub-sub-inspector, if they are graded that way, has the power to do it. Here we are given a police officer. A constable is a police officer. Indeed, a chief, a headman, in my location is a Government officer, and he says "I am doing it in the name of the Kenya Government"—finished.

Here, to allow the emergency regulations to operate in a far from obvious one thing, that our Government has no confidence in the people. This is a clear-cut statement which is here, that the Government of today—the police Government, the popular Government—has no confidence in the people and with me, Mr. Speaker, Sir, I would say we would rather not live in a police state, but go back and go back again—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, I wonder whether the hon. Member is in order in trying to mislead this House because if he reads the section which he has been talking about for the last ten minutes it has no relation whatsoever to the section which is being amended.

The Speaker (Mr. Slade): I do not think that you may say that the hon. Member is trying to mislead the House, you may say that he has misunderstood the section of the Bill. Perhaps a further explanation would help the hon. Member to understand the limited effect of the clause. You might like, Mr. Gichoya, if Mr. Njonjo explained exactly that point.

The Attorney-General (Mr. Njonjo): My big quarrel with this is this, Mr. Speaker, the hon.

Member was not here when I introduced the Bill, he was suddenly briefed by another hon. Member and he is not aware that, in fact, this section that he is referring to relates to supervising people who have already committed an offence and they are under supervision by the police. What is wrong with that amendment?

The Speaker (Mr. Slade): Now you understand the effect of this clause, Mr. Gichoya?

Mr. Gichoya: Yes, Mr. Speaker, that much I get, but the hon. Attorney-General fails to specify—

The Attorney-General (Mr. Njonjo): You were not here.

Mr. Gichoya: That does not matter. I am not speaking to the Attorney-General, I am speaking to the Speaker, Mr. Speaker, Sir, to the Attorney-General through the Speaker, to make it more definite.

Mr. Speaker, Sir, these officers who are referred to ought to be specified. I put a very good example of a police constable with the merit of the authority of the law, acting foolishly. Is it A.S.P. is it Commissioner of Police or what police officer? These things must be known. Who are the police officers, from which rank, do we call them as police officers? They ought to be stipulated in this particular Bill, so that we allow the Attorney-General, as a matter of fact it is not the Attorney-General, I do not know why he is so emboldened, the Minister for Internal Security and Defence should be able to tell us.

Mr. Speaker, Sir, that is my objection, that the status of a "police officer" must be specified. That is one thing.

The other thing, Mr. Speaker, and I believe the Attorney-General is the man representing the Minister for Defence, so he should be able to make it clear—Is that we are told in the Memorandum of Objects and Reasons a man borrowed from the Soviet Union, a man borrowed from the United States of America, a man borrowed from another country, coming here as a technician to assist us, will follow exactly what President Johnson stated, that where our nationals go hand in hand, they walk with the United States flag, or their own national flag, that if by any means they feel that the security of their lives is jeopardized, the United States of America will come straight into Kenya and capture Kenya on the spot, in the name of safeguarding the nationals of their own country.

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

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

Hon. Members: Question, question.

Mr. Gichoya: Now, those people who are talking in terms of questions are mere fools brought into this House.

The Assistant Minister for Information, Broadcasting and Tourism (Mr. Onanui): On a point of order, Mr. Deputy Speaker, is the hon. Member in order calling us fools?

The Deputy Speaker (Dr. De Souza): No, no, he is not. You will withdraw that, Mr. Gichoya.

Mr. Gichoya: Mr. Deputy Speaker, Sir, they are not fools.

The Deputy Speaker (Dr. De Souza): No, you must withdraw that remark.

Mr. Gichoya: Yes, they are not fools, but they are misguided hon. Members. Mr. Deputy Speaker, Sir, they are misguided people with no proper understanding of international relations.

Mr. Deputy Speaker, Sir, I was mentioning one simple thing, that just a few days back when one of the Southern American states was in chaos—and, of course, up to this moment it is a chaotic state—the United States of America, so as to have a cover, sought the authority of the Organization of American States, and the President of the United States said that by all means he would invade that country in order to safeguard their own nationals. What is provided in this particular clause is that when we borrow nationals of other countries, they come here masquerading in their own national dress, not respecting our own constitution, not respecting our own national flag, not even respecting our own National Anthem, because they say they cannot be tried in the courts of Kenya, which means, obviously, Mr. Deputy Speaker, Sir, they are ambassadors in disguise. I do not believe that we have police officers in Kenya—What could have police officers in Kenya?—What is wrong with that? Mr. Deputy Speaker, Sir, I would repeat that people who cannot understand the international implications should not question what is right or wrong.

Mr. Deputy Speaker, this is a very big danger to the sovereignty of our country, Mr. Deputy Speaker, it also reflects the inferiority of Kenya towards other people, that we accept somebody to come here and work for us, maybe on a contract, but he will dictate to Kenya because his country maybe economically better off than our own country, and an officer over and above him, an African, black like myself, who is supposed to be dictating to the foreigner, by virtue of his post, will never do it. What I believe, Mr. Deputy

Speaker, is that the officers of any rank, other than an ambassador and his own staff members who are guaranteed immunity by international understanding, must be under the Laws of Kenya when they come to this country, including a tourist if he comes here. But I am told that these foreigners—Mr. Deputy Speaker, Sir, I wish to inform the Member for Nyirai that I am better versed in political science than himself.

What I want to emphasize is this: that those people will be governed by our own laws and the disciplinary regulations of our own forces; they should not come here as bosses. The only people I would allow, because I am entitled also to send one as Kenya—I am talking in terms of Kenya—are an ambassador and his own group. But the other lot must come here and respect the Laws of Kenya. If they play the fool, they should be put in and tried by the courts of Kenya, unless the Attorney-General tells us that we do not have competent judges in this country.

With these few words, Mr. Deputy Speaker, Sir, I would rather like this one to be amended. The phrase "according to their own laws" should read "according to our own laws." That is one.

The other thing, Mr. Deputy Speaker, Sir, is that I would like to have any police officer, followed by a bracket, the rank to be stipulated, so that we know who is actually a man with the ability to do it.

With these few words, Mr. Deputy Speaker, Sir—

An hon. Member I beg to support.

Mr. Gichoya: With these few words, Mr. Deputy Speaker, Sir, I beg to continue.

Mr. Deputy Speaker, Sir, my—

The Assistant Minister for Works, Communications and Power (Mr. G. Godana): On a point of order, Mr. Deputy Speaker, I think the hon. Member now speaking is repeating himself and Member now speaking is repeating himself and I feel it is time for the Mover to reply.

The Deputy Speaker (Dr. De Souza): No, I think we will give him a chance to speak.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I am now putting forward two amendments. One is on now putting forward two amendments. One is on the Memorandum of Objects and Reasons, to amend it that it is according to Kenya Law, "according to our own laws". The other amendment, Mr. Deputy Speaker, Sir, will be "any member" (from sub-inspector of police up to police officer) may arrest without warrant any person whom he suspects upon reasonable grounds...

[Mr. Khalif]

Mr. Speaker, Sir, the Memorandum of Objects and Reasons of this Bill says that where the Armed Forces or Police Forces of any other countries are lawfully in Kenya by virtue of an agreement with Kenya, then such other countries should be expected—and I do not know who these are—in such agreement to provide in certain circumstances for offences committed by members of such Forces to be dealt with according to their own laws or disciplinary regulations and not Kenya's.

Now, Sir, the big question is why not deal with any person who commits an offence, be he a member of the Armed Forces or a governor of any country, or a Prime Minister, according to our own laws? If this is to be allowed, it will seem as if, in so far as the laws of other countries are perhaps lenient, the people who commit offences be they from the Armed Forces or not could go without punishment in accordance with our own laws. If members of the foreign Armed Forces commit any offence in Kenya, however serious it is, this Bill assumes that they will be dealt with according to their own laws. Now, Mr. Speaker, supposing—and this is only a supposition, we allowed the Russians to come and teach our army here the way to handle the new arms—that is if they were accepted by the Kenya Government—and following the rumours that there has been a lot of conspiracy from the communist countries to overthrow this Government, and supposing—

The Speaker (Mr. Slade): Order. You cannot associate Russia in debate like this. You did not mean to I am sure.

Mr. Khalif: No, Sir. Not Russia specifically. I mean, any foreign country. I was just giving an example, Sir. Supposing we allow or accepted—

The Speaker (Mr. Slade): The point I would remind hon. Members of is that it is basically out of order to make any hostile reference to a friendly country, except on a special Motion for that purpose.

Mr. Makone: On a point of order, Mr. Speaker, Sir, I was wondering if, in view of the fact that the majority of the Members are of the opinion that the Attorney-General should give us an explanation as to what he calls minor offences, it would be in order for the Attorney-General to explain to the House the meaning of the Bill so that we do not wander from place to place?

The Speaker (Mr. Slade): No Member can speak more than once in any debate, except the Mover who is to reply; but it would be in order

for the Attorney-General or any other hon. Member to intervene during the course of another Member's speech on a point of information, if the hon. Member would like to give way for that purpose.

Mr. Khalif: Sir, following your ruling, it was not my intention at all to infer that the Russian Government would undertake or help to overthrow our Government. In any case, Sir, if any foreign country, be it America, Britain or Russia, with which we made agreements for personnel from Armed Forces to come into Kenya, came into Kenya and undertook to overthrow or help to overthrow our Government, would it be logical that these people would be dealt with according to the laws of their own countries? I am asking this, Sir, because there could be a country whereby if somebody undertakes to overthrow its Government, the punishment is death, and there are other countries where the punishment would be just seven years in jail. Now, Sir, it would be wrong, I think, to leave the responsibility for dealing with those who commit offences in our country with their foreign Governments.

Sir, the Bill is very short, and there is very little discussion, but I would like to refer to the Attorney-General to section 4, subsection 2, where it says that any police officer may arrest, without warrant, any person whom he suspects, upon reasonable grounds, of having committed an offence under the section. Now, Sir, I would like the Attorney-General to explain what he really means by a police officer being warranted to arrest anybody who commits an offence, because, Sir, in the Memorandum of Objects and Reasons, the Attorney-General says that anybody who commits an offence under this Bill will be dealt with accordingly by his own country. How, then, Sir, could a police officer in Kenya, in so far as that the Bill says that such a person cannot be dealt with in Kenya, arrest a person who has committed an offence under this Bill? This, Sir, is a point of clarification which I would like the Attorney-General to enlighten me on.

With those few words, Sir, I beg to oppose the Bill.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): Mr. Speaker, Sir, those who are opposing the Bill are behaving like a horse in blinkers. They are only seeing one issue in this problem, and not the other side.

Sir, I think that this Bill applies to a situation like this. We have a defence pact with Ethiopia, and it is possible that one of these days it might be possible to bring Ethiopian Forces here for

The Assistant Minister for Labour and Social Services]

military practices or something like that, or alternatively, one of these days we will send our forces to Ethiopia for practices or some emergency exercises. Now, Sir, it only means that by passing this Bill we will also be prompting the other people to pass a Bill that would deal with the Armed Forces by similar treatment. Mr. Speaker, Sir, this is what it all means, and the Member for Wajir North— I do not think that this will affect our plans in Somalia, because there is no possibility of serving a defence pact with them.

Mr. Speaker, Sir, this is all that it means, and we hope that one of these days it will be possible for us to extend our defence agreements to cover Tanzania, Uganda and so on, and the practice will be that when our Armed Forces are in the other land, they will be accorded the same considerations, under the same law, as we are now discussing here.

Mr. Speaker, this is why I think that this Bill is important, and I support it.

Mr. Makone: Mr. Speaker, Sir, I reserve my support until the Attorney-General makes it very clear what he means. I was very disappointed, and I still am, that instead of bringing this Bill to the Parliamentary Group, he has just brought it into the Chamber, and he has failed to expound the Bill. Some of us are not lawyers, as he is, and we do not understand the Bill in terms of law, and therefore, I would say that I reserve my support until such a time as he has made it very clear to me what he means by minor offences and big offences to be committed.

Mr. Speaker, Sir, if an officer comes to Kenya, or a Kenyan officer goes to Tanzania or elsewhere, an offence, be it a big offence or a minor offence, is an offence. Mr. Speaker, what seems to me to be a big offence in Britain or Tanzania or Malawi may not seem to be a very big offence in Kenya, depending on the circumstances and in conditions in which this offence, be it big or small, was committed.

Mr. Speaker, Sir, as I said, I will reserve my support to this Bill until the Attorney-General expounds more on what he means by minor offences or big offences, as he terms it in this Bill. Mr. Speaker, Sir, I beg to reserve my support.

QUORUM

Mr. Khalif: Mr. Speaker, I think there are no Members who want to speak because we do not have a quorum.

The Speaker (Mr. Slade): You are pointing out to me that we have no quorum, are you?

Mr. Khalif: Yes, Sir.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, I think what he wanted to say is that as it appears that there is no Member wishing to speak, the Mover should be asked to reply.

Mr. Khalif: Definitely, Sir, that is not what I wanted to say.

The Speaker (Mr. Slade): The hon. Member has also pointed out to me the fact that we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now.

Mr. Gichoya: Mr. Speaker, Sir, this might look as if it is repetition, but I should emphasize this point. We should not accept that the emergency regulations should operate during the peaceful period.

During the Emergency, Mr. Speaker, Sir, anybody could be arrested by any Tom, Dick and Harry in authority, because they were picked up from the streets, given the uniforms of the police and they could just arrest anybody and claim they were doing it lawfully. Now, on what I see here, clause 4, subsection (2) which is:

"Any police officer may arrest without warrant any person whom he suspects upon reasonable grounds of having committed an offence under this section."

Who is the judge of these reasonable grounds? The same policeman thinks "I have enough grounds to arrest this man", but the normal procedure of court, the normal procedure of the law court of law, allows that somebody suspected is of this kind, allows that arrest. But here a policeman, Mr. Speaker, Sir, as I saw yesterday in my own area, in Kerugoya, in Kirinyaga District, a policeman dressed in plain clothes asked a man dealing with vegetables to produce his licence, and he comes in a very queer way, because the man who told him that that man did not have a licence himself was a man who did not have a licence placed, and wanted to operate in that particular place. Was consequently, that man was disturbed. It was consequently, that man was yesterday in not the day before yesterday, it was yesterday in my own presence, and the licence was produced, and he could not read a word in that licence, and he had to get that particular document and ask Gichoya, Member for Gichoya, to read

[The Minister for Labour and Social Services] we had the Labour Advisory Board which, after considering the Bill, suggested to me what they thought should be done to the Bill. Therefore, Mr. Speaker, I will be moving amendments during the Committee Stage where they will be required. This is actually the advice I have received from the workers and employers.

Mr. Speaker, my friend the hon. Member for Nyirindura did actually say—and I want to correct this—that this Bill should have been a bit tougher, because it is too lenient. I would like to assure him that this is not so. Sometimes leniency achieves more than toughness. I have learnt this as Minister for Labour. I have achieved more by trying to be co-operative to the workers. By merely being tough and locking up one or two people one would not achieve anything. For this reason the Bill has to be lenient. It is not meant to be tough or to punish the workers. It is a Bill which is agreed upon by both the employers and employees.

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

(Question put and agreed to)

(The Bill was read a Second Time)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move that the Committee stage of the Trade Disputes Bill be taken today with the leave of the House.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi) seconded.

The Speaker (Mr. Slade): When it says "with the leave of the House" it means that no hon. Member must object. So, if any single hon. Member objects we cannot take the Committee stage today but will have to take it tomorrow.

Mr. Khalif: I object, Sir.

The Speaker (Mr. Slade): Since the Committee stage can only be taken if no hon. Member objects I am afraid we shall have to leave it over until tomorrow.

(The Bill was committed to a committee of the whole House tomorrow)

BILL

Second Reading

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

(Order called)

The Speaker (Mr. Slade): I have to inform hon. Members that rightly or wrongly, the Attorney-General has been taken by surprise in

view of the fact that the Trade Disputes Bill has not been taken in Committee. I understand that the Minister for Information is not here as well. It is a pity to waste the whole afternoon, and in view of this I think it will be best if I suspend the business of the House for eight minutes, that is until four o'clock, this afternoon.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jowi): On a point of order, Mr. Speaker, is it possible, Sir, under Standing Orders to appeal to the Member who objects to withdraw his objection?

The Speaker (Mr. Slade): Yes, it is in order. Mr. Khalif do you still maintain your objection?

Mr. Khalif: I maintain my objection. I object very strongly, Mr. Speaker.

The Speaker (Mr. Slade): Very well then. The business of the House is now suspended until 4 p.m. today.

(The House was consequently suspended from eight minutes to Four o'clock until Four o'clock)

(The House resumed)

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

BILL

Second Reading

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I apologize for not being here, but I had made arrangements with the Assistant Minister who was in the library, but events overtook us.

Mr. Speaker, Sir, as the Bill itself says it is quite simple, but firstly we would like to amend the Criminal Procedure Code to enable the Armed Forces, or the forces of any other country who are in this country, by virtue of an agreement between Kenya and such other country, to be exempt from certain crisis and under certain circumstances. For instance, we have an agreement with Great Britain who are training some of our army personnel here. They are only here for a short period and then go away, but during the time when they are in this country, they will not be subjected to the ordinary criminal procedure. In fact, they will be subjected to the Army Law of their own countries.

Clause 2 of the Bill is intended to give effect to such agreement.

Opportunity has also been taken in clause 3 of the Bill to rectify an omission which was made to section 306 of subsection 1 of the Criminal

[The Attorney-General] the Procedure Code, and in clause 4 to insert in the Code a provision which was previously in the Criminal Procedure Code, namely for this separation rule. The enactment of this Bill, as it is usual to state, will not involve public money.

I do not think I need to say any more. It is a very minor amendment to the Criminal Procedure Code.

With those few words, Mr. Speaker, I beg to move.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I second this Bill. I wish only to add that while, very important, and necessary, they are very, very important, and necessary, particularly to deal with the armed forces who are here on an agreement with us, and also the commissions which were inadequate in connection with section 306 of the Criminal Procedure Code.

Mr. Speaker, Sir, this is a formal seconding, and I wish to support.

(Question proposed)

Mr. Omari: Mr. Speaker, Sir, while rising to support this Bill, I have a few points I would like to make and to draw the Minister's attention to them.

Here we are asked to pass a Bill which will exempt certain members of forces from crimes they might have committed. Since the Minister has stated that agreements between Kenya and such other countries, it is to be expected that such agreements will provide, in certain circumstances, for offences committed by members of such forces to be dealt with according to their own laws or disciplinary regulations.

We would like to know, Mr. Speaker, here the name of offences which such members of the forces have committed and which can be dealt with according to their own laws. I have seen, for instance, in Mombasa there are sometimes forces down there. They go to the bars and cause minor offences, like assaulting other people who go to the bar, and sometimes raping women. If such things happen, and he has said that they should be dealt with according to their own laws, this clause then does not give a proper explanation to this. We would like to know the nature of the offences which such members can be dealt with according to their own laws, and we would like to know what kind of laws there are in their own respective countries. In some cases we find, Mr. Speaker, in some countries, offences are taken to be very serious, while in others they are not taken to be serious. Assaulting in our country,

or raping is a serious offence. So, we would like the Minister to tell us the nature of the offences which such soldiers will be dealt with according to their own laws.

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

Mr. Jabari: Mr. Speaker, Sir, I am not opposing the Bill, but I am also worried about what the Minister terms as a minor amendment, because we have experienced from other countries where such laws exist and which have done a lot of damage, whereby these people do anything, expecting that they will get only a minor hearing in their courts—or whatever type of courts they have in military cases—and they mostly get away with their friends. If I may quote an instance, Mr. Speaker, in Manila they have such a law between an American and the Manila Government and an American soldier just deliberately killed a citizen of Manila and this man was just returned to his family and it was because of the misunderstanding that they had this soldier, when he should have been punished, had nothing done to him. He was only transferred to America, and nothing happened.

Now, we would like to know whether, before our Government gives this freedom to do anything, the military courts are good enough to deal with these people, and if they are not, they can do nothing about it. We would like to know whether the Attorney-General has made sure that in a case where a man has committed a crime he will be dealt with. If we feel that the disciplinary court has not dealt with the case fairly and has not punished the person sufficiently, our Government should take action to see that justice is done to our citizens. If the Attorney-General has made sure that there is also a clause which can force these people to be tried in our courts, we shall find that these people will be bullied in town. The citizens will go on all justifying expecting that their brothers in the army will give them a minor hearing in the army or they may be transferred to England and nothing will happen. They come from, and nothing will happen. Therefore, Mr. Speaker, while I do not actually oppose this Bill, we want the Attorney-General to explain to us whether that clause could be inserted where our Government could protect the rights of their citizens from these army people who are here.

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

Mr. Khalif: Mr. Speaker, in view of the fact that the Bill is very short, perhaps, it would seem that Members would repeat what other Members have said.

[Mr. J. M. Karituki] support wholeheartedly the trade unions, because, mainly, we are concerned also with the workers and also the affairs of this country. Therefore, we have to clear up a few things in this Bill. This Bill will attract investment first of all, because the employers will no longer be subjected to unfair discrimination, and irresponsible strikes by some of the trade unions. There we support very strongly, but I would rather be assured that fair treatment is accorded to the workers themselves, and at the same time, give the Government power to intervene very strongly where necessary, which is a move that would ensure stable industrial relations in this country. But, Sir, there are some points that I would like to raise in this Bill.

The Minister for Information and Broadcasting seems to be quite interested in my house, he can have it if he likes. If you look at clause 13, you will see that here in a questionable why the bodies appointed under the Act should be free to regulate their own procedure, while the Act is supposed to give all the necessary directives as to how disputes may be settled. This is something that I would like to know from the Minister, because it is suggested that such bodies should resort to their own procedure, only after consultation with the Minister, otherwise there might be considerable confusion and frustration. So, that is one point that I want to query on clause 13.

Sir, I think there is another clause here, clause 15. I have learned that there shall not be included in any publication relating to any awards, determination, or statement made or authorized by the Industrial Court, or by any arbitration tribunal board of inquiry, but since it is very likely that the loser in any dispute would not like publication to that effect, it would appear that the Act itself should specify which kind of information may not be published, because otherwise the Press itself would be faced with an unnecessary dilemma, and it would be very important for the Act to say that this is what we feel should not be taken to the Press, or the direction should come from the Ministry, and this should be covered by the Press alone. Otherwise, the Press can be in a very difficult position in future if we leave it just like that.

Then, Sir, we come to another clause here: clause 17. Subsection (1) of this clause says, "In any proceedings before the Industrial Court or under section 8 or section 12 of this Act, the president of the court, 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 of any part thereof." Since every dispute is of public

concern, it does not seem fair that the public and the Press should at times be excluded from the proceedings on such disputes. I am saying this, Sir, because the workers would always, naturally, be keen to know the steps which have been reached in the process. It is in the general public interest that they should know what is going on during the dispute in this open space. Other employers, Sir, or employees would take note and learn from the proceedings, in one they are similarly involved, because in future they might also be involved in such circumstances, and it would be advisable for them to know what type of disputes have been going on, instead of excluding them completely from knowing what sort of disputes have been going on between the employers and employees. That, Sir, does not mean that I am opposing the Bill at all, no, but I would like to point out the danger which might be caused by some of the clauses.

Then from here we come to another very interesting clause; clause 25. This clause says, "Any person who in connection with any strike or lock-out declared by or under this Act to be unlawful—", and then it goes as far as explaining what sort of punishment there can be. I feel that the penalties under this section are lenient, very lenient indeed and should be made more harsh, because we must ensure stability. An employer who is likely to lose Sh. 10,000 as the result of a decision on an unlawful dispute may not care if he loses Sh. 500, if only to enable him to feel time to reorganize himself, and that is the reason why I am saying that this clause is a little lenient. It appears to me that whoever was responsible in drafting this clause ought to have realized that some of them may not even fear to lose Sh. 500 if they can reorganize themselves. So I think, although it is lenient, something more harsh ought to have been put in there.

I think the Bill itself, Sir, is good. In Part V, section 27 it goes so far as mentioning more of the essential services. This is very important, Sir. The essential services should include education. The First Schedule is to be applauded very highly. At this stage of development, Sir, Kenya cannot afford—and I repeat afford—luxurious strikes which tend to ruin the people, and as such, Sir, since most of all services in this country are controlled by the Government, then the Government, I consider, should ensure that no unnecessary employment difficulties are experienced by employees in such services. The Government should set the best example as the best employer in the country, because there have been real and genuine cases of grievances among the employees

[Mr. J. M. Karituki] themselves. As such, I feel that even now Government itself should become the best employer and ensure that there is a lot of contentment among the servants of our Government. It is only through such contentment that the country will be able to have a stable Government.

Sir, I think our Ministers in this Government do know very well that the French Government, in spite of the fact that there have been so many changes in the political field, is always stable; it does not matter whether the politicians change today or tomorrow, but because there are always the very strong and incorruptible civil servants, the Government is still strong. However, the civil servants cannot merely become loyal to the Government if they are always left in a state of discontent. Therefore, it should be the real work of our Government to see to it that also our civil servants in the field are satisfied, so that they cannot look to another place for help, that is an irrefutable fact that if a civil servant is not satisfied with whatever he is earning, there is always a likelihood of him going back to someone else who can finance him, and he might owe his allegiance to whoever can become the best financier. In that case, Sir, I think—

The Speaker (Mr. Slade): I think that is outside the scope of the Bill rather.

Mr. J. M. Karituki: Yes, Sir, I was finishing on that. I hope our Government will also set that example, so that we have a stable and good Government.

I would like to end, Sir, by supporting this Bill very strongly and saying that whoever will put this into action in the field will be able to add here to what is put in this Bill, but not to create any other what is put in this Bill, but not to create some subsidiary Acts within the already-passed Act. I therefore support this Bill very strongly, Sir.

Mr. Malu: Mr. Speaker, Sir, may I suggest that the Mover be now called upon to reply since there is no more argument from hon. Members?

The Speaker (Mr. Slade): It is time for the House to consider the closure, so I will put the question that the Mover be now called upon to reply.

(The question was put and agreed to)

QUORUM

Mr. Omari: On a point of order, Mr. Speaker, I am rising to seek your guidance, because I have found that there is no quorum in the House and since the question of the Mover being called

upon to reply was put when there was no quorum, I wonder whether it was in order.

The Speaker (Mr. Slade): All proceedings of the House are in order, even if there is no quorum, until the Speaker's attention is drawn to the lack of quorum. Thereupon he calls for the Division Bell to be rung and no further proceedings can take place until there is a quorum. Now that, after the Motion for the closure has been carried, Mr. Omari has drawn my attention to the lack of a quorum, we shall ring the Division Bell and shall not proceed with the Mover to reply until we have a quorum.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now, Mr. Mwendwa.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I do not want to take much time with this Bill because most of the Members of this House have actually read the Bill. I will only make two points of general observation. I would like the hon. Members to realize that there are two agreements contained in this Bill: one, is the Industrial Relations Charter which was agreed upon by both the employer and the employers of Kenya. The other agreement which is contained, is the agreement which came to an end on the 8th April 1963, that is the Tripartite Agreement.

On the Tripartite Agreement the only thing which is included in this Bill is the check-off system which was requested by the workers themselves. The Government agreed to put that in the Bill.

Now, on the side of the Industrial Relations Charter, Mr. Speaker, every single step or agreement which is in that Charter is included in this Bill. We have put in nothing new except the points which have been agreed by both the employers and employees.

All that I have done, Mr. Speaker, by this Bill is to give the agreement a legal provision to enforce it so that where an employer or employee goes outside the agreement I have the power to request the employer or employee to follow the agreement. This is exactly what the Bill asks for. I do not think there is any argument whatsoever which supports the suggestion that this Bill is there to benefit the employers only, because that is not true. I hope hon. Members will understand this.

Mr. Speaker, the other very important fact which the hon. Members might perhaps like to know is that this Bill has been studied and read by the workers and it was only last week when

[Dr. Kizao]

my original reply that we are trying to rejuvenate, to make younger, Eldoret industrially speaking.

Mr. Lorema: Mr. Speaker, Sir, arising from the Minister's reply, could he tell the House what sort of incentives his Ministry intends to use in order to attract investors to this area so as to create more industries in Eldoret?

Mr. Kizao: Mr. Speaker, Sir, a very beautiful pamphlet was recently published by the Eldoret Local Government Authority after consultation with us—when I say us, I include all my colleagues in the House who are interested in Eldoret—and some of the points brought forward were the climate, the availability of various types of raw materials, and also the availability of a good water supply, and the fact that negotiations were going on with the East African Power and Lighting Company to make sure that the electricity rates charged in Eldoret would be competitive *vis-à-vis* other industrially attractive areas.

Mr. Ngala: Mr. Speaker, arising from one of the replies by the Minister, will he not agree with me that Eldoret is the wrong place to boost industries, because Eldoret is surrounded by good soil where people could go back to the land and cultivate it, whereas a place like Voi is completely barren, with no good land around, and so wants industries?

Dr. Kizao: Mr. Speaker, Sir, while I strongly contribute and subscribe to the call for "return to the land", that does not mean neglecting possible industrial areas, and I am not the Member for Eldoret, but I consider it to be one of the most ideal places for industry.

Question No. 2068**TELEPHONE FOR ELDORET AIRFIELD**

Mr. ole Tipis, on behalf of Mr. Tuwei, asked the Minister for Works, Communications and Power when he would connect the Eldoret Airfield with the telephone.

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): Mr. Speaker, Sir, I beg to reply. The telephone which was formerly installed at the airfield was a private one for the use of the meteorological department who had this collected when they moved into the town. I am glad, however, to inform the hon. Member for Usain Gishu that I propose to have a telephone installed at Eldoret Airfield as soon as possible.

Mr. ole Tipis: Mr. Speaker, Sir, arising from the hon. Assistant Minister's reply, could he tell us that "as soon as possible" will mean that he is going to install it possibly next week, rather than this loose phrase "as soon as possible", which might mean months or years?

Mr. Bonnett: Mr. Speaker, I mean as soon as possible according to the phraseology of the word.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply would he tell the House whether his Ministry is also going to advise the pilots not to land on this airfield until this telephone is installed?

Mr. Bonnett: No, Sir.

The Speaker (Mr. Slade): Next question.

Anybody authorized to ask Mr. Neki's question?

Next Order.

BILL**Second Reading****THE TRADE DISPUTES BILL**

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, when the House adjourned the other day, I was making the point that our Government believes—and believes very firmly—that no amount of restrictive legislation can cause strikes or labor unrest if there are causes of this. I was making the point, Sir, that rather than pass a restrictive legislation, we should allow the workers the freedom to consult and discuss with their employers their grievances in their places of employment, and that this should be resolved on the basis of agreed procedures and that this Bill only strengthens the working of the procedure for processing and settling disputes which have operated in this country for a long time. There is the suggestion, Sir, that sections 19 and 20 of this Bill give the Minister too much power, but on the contrary, Sir, these two sections only confirm what has already been agreed to under the Industrial Charter which was signed in October 1962.

Section 19, Sir, gives the Minister the power to declare a strike illegal when the strike is being called before the machinery for settling the dispute has been exhausted. Mr. Speaker, the Industrial Charter had this to say on this matter, "that unions and employers agree that the existing machinery for settlement of disputes should be utilized as quickly as possible". Further, that

The Assistant Minister for Labour and Social Services)

"both sides undertake to settle any or all industrial disputes at the appropriate level and according to procedure laid down". Also, it is agreed in the Industrial Charter that no resolve to strike will be allowed before the existing machinery for processing and settlement of disputes has been exhausted. So, Sir, here in this section we are only confirming and giving legal effect to what has already been agreed to and maintained as one of the holy practices in the system of industrial relations.

Similarly, Sir, section 20 is also only confirming another agreed procedure and practice in the Industrial Charter, and so, Sir, rather than allege that this is a Minister who has power, the Minister here is only given the power to confirm things which have already been mutually and freely agreed between the Union and the employers.

Another allegation has been made that section 21 gives the Minister another dictatorial power. Sir, quite to the contrary. That section only deals with sympathy strikes, and sympathy strikes can run a country like Kenya. Now, imagine the Kenya Distributors' and Commercial Workers' Union calling a strike, and then the Railway Union going on sympathy strike, and this is 'Union going on sympathy strike, and all the other Unions including the Dock Workers' Union. Sir, even if such a strike started off because of a very genuine dispute, the fact that so many other workers will also strike does not justify the action. So, here the Bill only seeks to give the Minister power to confine sympathy strikes, if any, within an industry.

Mr. Speaker, Sir, it has also been mentioned that this Bill does not give the workers freedom, that it interferes with freedom of association. Sir, freedom of association is one of the fundamental rights given by our Constitution, and when we were drafting this Bill we made sure that it would not interfere with freedom of association. For the benefit of those who do not understand the full context of freedom of association, I would like to say that it consists of the following: First, the freedom of the Union, and the employers, and this organize freely without any interference, and this Bill does not interfere with that freedom. Secondly, it consists of the right of the Union to organize themselves in order to carry out collective bargaining with the employers. Again, Sir, this Bill does not interfere with that. Also, Sir, freedom of association consists in allowing the workers the freedom to join the union of their choice. Sir, again this Bill does not interfere with

that, and I would like to get rid of that allegation that this Bill is dictatorial. It is not, and to the extent that it allows freedom of association in its full figure, this Bill is one of the most liberal and one of the most consistent Bills. At least, it is consistent with all the provisions in the international Labour Organization Convention on this matter.

Mr. Speaker: Sir, this Bill gives legal powers to the unions to be given this check-off. Now, this question of the check-off is something the unions have been asking for for a long time, and I can say that all the union officials who have discussed this matter with me are really pleased that this time, because of the effect of this Bill, they will enjoy financial independence, and we hope that with this the unions will stop the habits of going abroad to look for money from habits of going which are only interested in disrupting our labour movement.

Mr. Speaker: Sir, one previous speaker mentioned that we hurried with this Bill, and that we short-circuited the normal procedure, and that we hurried with this Bill to the Parliament without consulting the union. Now, there was a lapse in this matter, but I am glad to inform the House that when we realized this we called a meeting of the Labour Advisory Board, and we had two full-scale meetings, at which the Kenya Federation of Labour tabled a number of amendments which appeared on the Order Paper, and after that the unions have told us that they are satisfied, and to quote one of them, "We have carefully examined the much spoken of Bill, which we prefer to name, 'Mr. Mwenda's Bill, No. 1', and consequently, we can say that it is all that much better to deserve a wide association. So, we support it." So, there is no problem. The unions support this Bill and, I would like to get rid of all those allegations that we did not consult with the unions before bringing this Bill to the House.

Mr. Speaker: somebody who is an official representative of the Dock Workers' Union is interfering behind me. Now, if I did not consult the Dock Workers' Union, it is only because the Dock Workers' Union, for some mysterious reason, does not contribute, and does not support the workers on the Advisory Board. It is not our mistake.

Mr. Speaker: Sir, I think that that is all I have to say on this Bill, and rather than waste the time of the House, I beg to support.

Mr. J. M. Kararia: Mr. Speaker, Sir, I think that this is also a very important Bill. But we cannot sit all the time of the trade unions or

[The Assistant Minister for Labour and Social Services]

During the first quarter of 1965, the following projects were in progress or completed:—

	In progress	Completed
Nursery centres	146	122
Cattle dips	3	—
Roads	23	17
Dispensaries and health centres	5	—
Bridges	11	5
Youth centres	4	2
Spring protection	8	31
Primary schools	"numerous"	—
Secondary schools	2	2
Co-operatives stores	2	2
Fencing	2 miles	2 miles
Houses	"numerous"	6

In all, 17,601 people were members of 627 self-help groups and there were 78 village development committees.

Locations 1, 2 and 9, which comprise Belgut constituency, have 117 self-help groups with a membership of 1,695 people.

This year, Government has contributed £700 to assist in encouraging self-help activities in Kericho District.

Mr. Bly: Mr. Speaker, Sir, is the Assistant Minister aware that a number of our development staff who are employed by the district county council have been already discharged? I do not know whether he is aware of that.

Mr. Kubali: Mr. Speaker, Sir, I am not aware of that.

Mr. Kericho: Mr. Speaker, Sir, is the Assistant Minister prepared to come to the District and encourage all these schemes he has mentioned?

Mr. Kubali: Mr. Speaker, Sir, my reply is, yes, Sir.

Question No. 2072

SALARIES FOR NEW CHIEFS

Mr. Nyalick asked the President if he could tell the House what steps were being taken to pay newly-employed chiefs salaries commensurate their titles and duties.

The Vice-President (Mr. Odunga): Mr. Speaker, Sir, I beg to reply. The newly-appointed chiefs are in a salary scale commensurate with their titles and duties.

Mr. Nyalick: Mr. Speaker, Sir, arising from the Vice-President's reply, is he aware that the newly-employed chiefs are entering into employment at the rate of £173 per annum, whereas during the colonial days the chiefs were entering employment at the rate of £312 per annum. Could he tell the House why such a drastic reduction was arrived at?

Mr. Odunga: Mr. Speaker, Sir, I understand that the rate of pay which is given to the chiefs is the one applied, even during those early days, as my hon. gentleman has mentioned, but if there is—

Mr. Makooe: On a point of order, Mr. Speaker, Sir, could the Vice-President speak louder because he is talking on a very important question which we are all concerned with.

The Speaker (Mr. Slade): It is not often hon. Members cannot hear you, Mr. Odunga, but they cannot hear you today.

Mr. Odunga: Mr. Speaker, Sir, I just said that as I understand it, I received the news that the scale of pay which is applicable to the chiefs has been applied but if there is any abnormal condition which happened, the best thing, normally, is to lodge or to put the complaint through the normal channels and the Government will consider it.

Mr. ole Tips: Mr. Speaker, Sir, arising from the hon. Vice-President's reply, to the effect that the salary is commensurate to the titles and duties of the chiefs, is he aware that although they are all titled chiefs, the Government still carries on the old tendency of the Colonial Government of paying different rates of pay to chiefs in various districts? For instance, in Masai, Turkana and Central Nyanza, in the Coast, the salary scales are different?

Mr. Odunga: Mr. Speaker, Sir, I quite agree with the hon. Member that the salaries may be different, but they are not different as far as personalities are concerned. They may only be different according to the size of duties which are carried by those chiefs concerned.

Mr. Makooe: Mr. Speaker, Sir, the Vice-President said that if there were any complaints of any chiefs they should complain through the normal channels. Will he elaborate on what the normal channels are: do we apply through the Members or the chiefs or through the district commissioners? What are the normal channels?

Mr. Odunga: Mr. Speaker, Sir, I hope the hon. gentleman will understand that we have the machinery of the Government which works or

[Mr. Odunga]

functions in his area, and those are the normal channels I have referred to.

Mr. Ngala-Aboke: Mr. Speaker, Sir, is the Vice-President aware that those teachers who are G2 already at the time when they became chiefs are now at a great disadvantage because they find themselves, due to size of duties as the Vice-President says, that they cannot get the same salaries as their counterparts of the other teachers they left in the service, and as such, they are all complaining. Will the Government pay attention to this particular one which is a degradation of a person's educational responsibilities and rights, to get proper pay according to his brains and his knowledge?

Mr. Odunga: Mr. Speaker, Sir, I do not in any way try to underrate the importance of the duties of the chiefs and I should only let the hon. gentleman know that chiefs are paid according to titles which are laid down by the Government and if there has been, as I have already mentioned, anything which somebody suspects has been an injustice, the best course to take is actually to push it through the normal channels and the Government will consider it. I should say that normally when somebody takes over even the work of a chief we do not actually force him to do so or force him to leave before employment in order to be a chief.

Mr. Maitori-Imumbo: Mr. Speaker, Sir, will the Vice-President agree with me that the salary paid to chiefs is insufficient in accordance with their work?

Mr. Odunga: Mr. Speaker, Sir, if it was brought to our notice that it is true, then we will consider it.

The Speaker (Mr. Slade): I do not think Mr. Odunga heard the question aright.

Mr. Maitori-Imumbo: On a point of order, Mr. Speaker, Sir, I think the Vice-President did not answer my question.

The Speaker (Mr. Slade): He did not quite hear it.

I do not think it is necessary for you to repeat it, because you are agreeing with what he has said already.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's previous reply to the effect that chiefs are paid according to the work or responsibilities they have in various parts of Kenya, would he agree with me that it should be the responsibility of the Government to pay, whosever calls for chieftainship—even if, for example,

a district commissioner decides to become a chief—he should be paid the same amount, the little amount, and there should be no complaints entertained, be a teacher or otherwise?

Mr. Odunga: Mr. Speaker, Sir, I think that is what we do, even if it is somebody in a very high post. If he has decided to become a chief, then he will have to conform with the provisions.

Question No. 2066

ELDORLET AS AN INDUSTRIAL CENTRE

Mr. ole Tips, on behalf of Mr. Tuwei, asked the Minister for Commerce and Industry if he would tell the House the conditions that had led to the Ministry not considering Eldoret as one of the industrial towns and what industries were now being considered for the town?

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, I beg to reply. I am not aware of such co-ordination and creation of Eldoret as an industrial town as the hon. Member alleges. In fact, our Ministry has worked closely with the local government authorities of Eldoret to make Eldoret most attractive investment-wise. Thus, Eldoret, contrary to the hon. Member's question, has not been forgotten. No doubt he will have heard of the recent opening by the Vice-President of an important industry at Eldoret, the Cow and Gate Baby Food Factory. Smaller industries have also come up recently; for instance, a dry-cleaning factory, and there are also quite a number of establishments in the area, such as the timber industry, the K.C.C., the cheese factory at Dooyo Lessos, the Watle Bark Industry, the Gailey and Roberts work, the reconditioning and assembling of farm machinery and so on. My Ministry is therefore trying to interest investors to go to Eldoret and we are hopeful that we shall succeed in rejuvenating Eldoret industrially.

Mr. ole Tips: Mr. Speaker, Sir, arising from the hon. Minister's reply, is he aware that Eldoret has been overlooked for quite a long time, until recently? Could he assure the House that he will interest any new industries or factories in this area of which has reasonable terms provided by the Municipal Board of Eldoret?

Dr. Kioko: Mr. Speaker, Sir, that is a slightly different question because the original question said it was my Ministry which had forgotten Eldoret, and I proved that was not correct. Secondly, accepting the observation that some industrialists had overlooked Eldoret, I stated in

[Mr. Ekittella] whether he is talking about qualified doctors or hospital assistants?

The Speaker (Mr. Slade): Mr. Ekittella, you and other hon. Members know what is and what is not a point of order. I have warned you and other hon. Members that those who rise on false points of order, after one or two warnings, will have to be asked to leave the Chamber. I have given you many warnings, and I hope that you will now understand the position. Now, this is the last warning. The next time you rise on a false point of order—and hon. Members should know what are false points of order—you will be required to leave the Chamber.

Mr. Moss: Mr. Speaker, I was telling the House that we have doctors who have just completed their pre-registration training at the Kenyatta National Hospital. As soon as these doctors have the necessary experience, they will be posted to these hospitals which do not have qualified doctors at the moment. However, this will take some time before these hospitals are given doctors to take charge of the patients.

Mr. Khalif: Mr. Speaker, Sir, in view of the fact that the hon. Assistant Minister appreciates the need of a doctor in the Kapenguria Hospital, would he assure the House that a doctor will be posted to Kapenguria Hospital immediately?

Mr. Moss: Mr. Speaker, Sir, I am not going to be forced because I do not manufacture doctors. I wish I had the power, Sir, to put brains into people's minds so that they could become doctors. That would enable me to send one just now to Kapenguria.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 2083: DOCTOR FOR KAPENGURIA HOSPITAL

Mr. Lorema: Mr. Speaker, Sir, in view of the unsatisfactory reply to this question, I wish to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 2059

ASSEMBLY OF MOTOR VEHICLES IN KENYA

Mr. Balala asked the Minister for Commerce and Industry whether Government would consider banning the direct import of motor vehicles into Kenya for sale and whether, instead, willing motor companies could be asked to assemble motor vehicles in Kenya for sale.

The Minister for Commerce and Industry (Mr. Kiano): Mr. Speaker, Sir, I beg to reply, it is the Government policy and intention to encourage the assembling of motor vehicles in Kenya. Already, some trucks, farm machinery, buses, etc., undergo varied stages of assembly here. Negotiations are under way for a more extensive assembly of such vehicles, as well as tax vehicles, and the conclusions of these negotiations will indicate how much control we need to exercise on importing vehicles.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that other countries which have started assembling motor vehicles in their countries have found that the quality produced does not actually match the quality which is manufactured overseas, would the Minister ensure that the equipment will be of high quality in order to guarantee that our cars here will be of the same quality as those manufactured overseas?

Dr. Kiano: Mr. Speaker, the fact that other countries are making mistakes does not mean that we shall make the same mistakes.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply, would the Minister assure this House that due to the bad conditions of our roads our cars will be made in a much better condition than the ones referred to by the hon. Member?

Dr. Kiano: Mr. Speaker, Sir, I shall bring to the notice of those who assemble cars the fact that our roads are rugged and that they should therefore assemble cars to suit our roads.

Question No. 2102

NYERI-KIANDONGORO ROAD: TARMAC

Mr. Theuri asked the Minister for Works, Communications and Power whether, as the area was economically sound, particularly for cash crops, as well as grade cattle, the Government intended to tarmac the Nyeri to Kiandogoro road, even if it amounted to more taxation for the people in that area.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti): Mr. Speaker, Sir, I beg to reply. The Government has at present no plan for the tarmac-ing of the Nyeri to Kiandogoro road before 1970, and it is extremely unlikely that this work will be included in the Development Plan for this period as it did not appear in the priority list for road development submitted by the Central Province authorities.

I should like to point out to the Member that development of the Kiandogoro area should not be prevented by the lack of this road which is only about eight miles long.

[The Assistant Minister for Works, Communications and Power]

On the question of the people of the area paying for the bituminization of this road by a special tax, I am extremely doubtful whether this would be feasible, particularly in view of the difficulties experienced in the collection of graduated personal tax.

Question No. 2073

ROAD CONSTRUCTION: TAKAUNGU-MALINDI-LAMU

Mr. Ngala asked the Minister for Works, Communications and Power:—

- Whether money for the construction of the main road from Takaungu Junction to Malindi was now available.
- If the money was available, when would the actual construction start.
- Whether he intended to construct the main road from Malindi to Lamu before 1970, i.e. within the Government Six-Year Development Plan period.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti): Mr. Speaker, Sir, I beg to reply.

(a) Yes, Sir, I am glad to say that funds have been made available under a World Bank scheme for the construction of:—

- Single-way bitumen from Takaungu Junction (Kibaoni) to Kilifi.
- The section of road between Kilifi Ferry and the start of the previously realigned section through Roka Forest to a gravel standard.
- The section of road between the northern end of the previously realigned section to Malindi Township to a gravel standard.

(b) It is hoped that actual construction work will start in or before the last quarter of 1965 as part of a phased programme for the letting of the large contracts involved and making the most effective use of the limited planning resources available to my Ministry.

(c) I am almost certain that it will not be possible to find the funds to construct the main road from Malindi to Lamu before 1970, in view of the limited financial resources available and the many pressing calls upon them. Subject to the availability of funds, however, I hope to proceed with a policy of small-scale local improvements on the Garsen-Mlango-ya-Simba section of this road from time to time during the planning period.

Mr. Semo: Mr. Speaker, Sir, could the Minister tell this House, as he has already said that from Garsen-Mlango-ya-Simba—when he is going to start the work there?—

Mr. Bonetti: Mr. Speaker, Sir, I have answered that question.

Mr. Semo: Mr. Speaker, Sir, the Assistant Minister has said that he has already answered. Could he tell this House when the work is to start from Garisa to Mlango-ya-Simba, in as far as that is the worst part of the road?

Mr. Bonetti: Mr. Speaker, Sir, I said in my previous reply that this part will be improved when the funds are available.

Mr. Ngala: Mr. Speaker, Sir, arising from the original reply, would the Assistant Minister tell this House whether he intends to by-pass the Kilifi ferry when he constructs the road from Takaungu to Kilifi, because of the delay that we experience these days?

Mr. Bonetti: Mr. Speaker, Sir, it was only a fortnight ago that I answered a question about these ferries and I said that we intended to improve the services of the ferry by the acquisition of new machinery. But, if the hon. Member is now interested in diversions and trying to by-pass this ferry, I have seen a plan, which is being examined in the Ministry, and we hope that if the cost of diverting the road would be equal to that of retaining the ferry, then we would definitely do it.

Question No. 2079

SELF-HELP SCHEMES IN BELGUT CONSTITUENCY

Mr. Kerich asked the Minister for Labour and Social Services whether he would tell the House the steps taken by the Ministry to encourage self-help schemes in Kericho District, especially in Belgut Constituency.

The Assistant Minister for Labour and Social Services (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. The Department of Community Development has posted one community development officer and two assistant community development officers to Kericho District and the local authority employs a total of 134 community development and welfare staff, which includes twenty community development assistants. Many of these have been given training at the Kenya Institute of Administration.

[The Minister for Internal Security and Defence] the time. If the police consider that in the circumstances the demonstration will lead to a breach of the peace, they will not permit it to be held. The police are empowered to take such action as is necessary to maintain law and order and to prevent a breach of the peace. If, therefore, the police consider that a demonstration within half a mile of Parliament Buildings will be a danger to the security, they shall refuse it.

Mr. Ngala: On a point of order, Mr. Speaker, I rise to seek your guidance. This matter is related to this question. When Members wish to demonstrate within the premises of Parliament, where do they get permission?

The Speaker (Mr. Slade): I think you are raising a different point, Mr. Ngala. This refers to public demonstrations. Any abnormal activities of Members within the precincts of the building is the concern of the Speaker and not of the police. You have a supplementary question?

Mr. Ngala: Yes, Sir. Arising from the reply by the Minister, Sir, will he give us a definite assurance that since demonstrations are genuine expressions of our voters, such demonstrations will be as close to Parliament Buildings as possible?

Dr. Mungai: Mr. Speaker, Sir, this depends on the security at the particular time when this demonstration is going to be held. If the police consider that there is no danger to peace, then it can be, but I am not going to give that assurance.

The Speaker (Mr. Slade): I hope that the police also take into account the dignity of Parliament and the convenience of its Members.

Question No. 2084

ASSISTANT EDUCATION OFFICER FOR WEST POKOT

Mr. Lorema asked the Minister for Education whether he would consider creating a post for an assistant education officer in West Pokot, in view of the increasing number of schools in a vast area interspersed by many hills and valleys.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply, My Ministry is at present considering increasing administrative, supervisory and inspectorial staff to meet the ever expanding education services and, no doubt, the needs of West Pokot will be considered alongside those of other districts.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply would he tell the

House when this expansion is going to reach Pokot area?

Mr. Mutiso: Mr. Speaker, Sir, as I have already stated, the Ministry is reviewing the possibility of expanding each inspectorate and other officers in the field and it is considered that this will be before the end of the year.

Mr. Ngala-Aboki: Mr. Speaker, Sir, since the Member has raised this matter, regarding the backwardness of his area and lack of educational facilities, would the Assistant Minister say that West Pokot will be on the priority list now for an assistant education officer?

Mr. Mutiso: Mr. Speaker, Sir, the question of backwardness of this area does not arise, since the officer in question, which the Member is asking of, will be required to supervise or inspect a number of schools. I might also add, Mr. Speaker, that an inspector of a school is normally required to inspect at least fifty schools, and in the case of West Pokot, there are only thirty-one schools. Therefore, it might be impossible to allocate one particular officer for West Pokot unless we combine his work with Turkana.

Mr. Mutiso: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and bearing in mind that an assistant education officer would stimulate the progress of education in West Pokot, will the Assistant Minister not consider this as a priority and a necessity for the development of Kenya?

Mr. Mutiso: No, Sir. Mr. Speaker, as I said earlier, an inspector will be required under our present arrangements to inspect at least fifty schools in every district and since we have only thirty-one schools in West Pokot, he would not have adequate work.

Mr. Lorema: On a point of order, Mr. Speaker, is it in order for the Assistant Minister to answer this question, that what I am seeking is an inspector instead of an assistant education officer?

The Speaker (Mr. Slade): It is in order.

Mr. Aramain: Mr. Speaker, Sir, how long can this arrangement that the Assistant Minister is telling us about, that there is an arrangement being made in West Pokot, take? Is it three months, or one month, a week or two days, or what?

Mr. Mutiso: Mr. Speaker, Sir, if the Member was listening when I replied to that question, I said this might take us up to the end of this year and that may be how soon we will be able to do it.

Question No. 2058

COAST GENERAL HOSPITAL: IMPROVEMENT OF

Mr. Balala asked the Minister for Health and Housing what he was doing to improve and increase the existing shortage of medical facilities at the Coast General Hospital at Mombasa, in order to cope with the increasing daily demand of patients at the hospital.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply, This Ministry is well aware of the need for improving medical facilities in all our hospitals. As far as the Coast Province General Hospital, Mombasa is concerned it is considered that this hospital is more fortunate than the other provincial general hospitals in Kenya as regards both buildings and medical facilities available as well as medical staff.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, would he not agree with me that the congestion in the out-patients department at this hospital needs immediate attention, and what is he doing to relieve that?

Mr. Moss: Mr. Speaker, Sir, that is a very genuine question and I accept it. I want to assure the hon. Member that, on the 19th of this month, my Minister will be touring the Coast in order to assess and witness what is happening there, so that we can be in a better position to see what needs to be done for the out-patients.

Mr. Balala: Mr. Speaker, Sir, is the Assistant Minister aware that when his Minister visited the Coast Province General Hospital, he found that the daily number of out-patients ranged from 500 to 600 every day?

Mr. Moss: Mr. Speaker, Sir, I think I should give a bit of light to the hon. Members in order to avoid unnecessary questions.

Mr. Speaker, the Coast General Hospital, Mombasa, has recently been moved to a new site and the buildings are, therefore, of more modern design than are those of the other provincial general hospitals. The medical facilities available at Mombasa are second only to those at the Kenyatta National Hospital. As far as medical staff is concerned, the Coast General Hospital is staffed, apart from the provincial physician and the provincial surgeon, by six medical officers, including a radiologist, and at the same time it also employs at least four other consultants. Therefore, Mr. Speaker, Sir, from this, it is quite clear that the number of staff alone, although we shall consider some improvement at the Coast

Hospital is necessary, is already enough to combat the problem down there considering the shortage of staff we have in the whole country.

Mr. Komora: Mr. Speaker, Sir, is the Assistant Minister not aware that the number of patients in the Coast Provincial Hospital is so big that all the beds and stretchers are occupied that patients are forced to carry beds from their homes to the hospital in order to get something to sleep on, and as such, the Government is required to take immediate steps?

Mr. Moss: Mr. Speaker, I have not denied anything about the Coast General Hospital, but I think I have made it clear in my reply that I have indicated that the Coast Provincial Hospital is the only one available, as far as the other hospitals are concerned in Kenya, which is highly staffed and we have done this because we knew the position. Otherwise this hospital would not have all these other privileges which the other hospital do not have.

Question No. 2033

DOCTOR FOR KAPENGURIA HOSPITAL

Mr. Lorema asked the Minister for Health and Housing when a qualified doctor was going to be posted to Kapenguria Hospital.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply, This Ministry is well aware of the need for posting a qualified doctor to Kapenguria District Hospital in West Pokot, and it is anticipated that one will be posted there when available.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House when this qualified doctor will be available for Kapenguria Hospital?

Mr. Moss: As soon as we get one, Mr. Speaker.

Mr. Aramain: Mr. Speaker, Sir, does he mean that there are no qualified doctors available to be sent to West Pokot at present?

Mr. Moss: We have doctors. However, the doctors who have recently completed their pre-registration training at the Kenyatta National Hospital, Nairobi, are too inexperienced to be posted on their own at the moment.

Mr. Eldred: On a point of order, Mr. Speaker, I can about—

The Speaker (Mr. Slade): You need not shout. What is your point of order?

Mr. Eldred: My point of order, Mr. Speaker, Sir, is that, could the Assistant Minister tell us

WRITTEN REPLIES TO QUESTIONS

Question No. 2081

EMPLOYMENT OF MAGISTRATE AND HIS WIFE

Mr. Ndile asked the Attorney-General whether he was aware that a certain senior resident magistrate and his wife were both employed under the same roof in Nairobi. If so, did he approve.

REPLY

The Attorney-General (Mr. Njonjo): I am aware that the wife of a senior resident magistrate was appointed a juvenile magistrate in Nairobi by the Judicial Service Commission. The views of the Director of Personnel were obtained before this appointment was made.

Question No. 2088

MONEY GIFTS FOR SELF-HELP SCHEMES

Mr. Lorema asked the Minister for Labour and Social Services how much money had generously been given by individuals who were not citizens of this country through Ministers, to meet our present campaign of self-help projects.

REPLY

The Minister for Labour and Social Services (Mr. Mwendwa): I suggest that the hon. Member should address his question to the Ministers individually, since I have no knowledge of such contributions, whether made to Ministers or Private Members.

I would like to take this opportunity of describing the machinery which has been set up to plan and assist self-help schemes. In all provinces except North-Eastern Province, there are now committees organized at project or village level. These send representatives to sublocations and locational committees, which in turn are represented on area and county committees. Each county committee is then represented on the provincial committee and these each send a representative to the national committee, on which Ministers of Ministries concerned with rural development also sit. The national committee distributes Government funds to provinces and will also distribute the unallocated portion of the National Fund. In some cases additional funds are provided by county councils.

The committees, advised by technical officers from various departments, consider applications for assistance from the project committee.

The purpose of this system is to avoid having self-help schools built without hope of teachers, dispensaries without staff and drugs, etc.

I have answered this question at some length as I would like all Members to appreciate the need to channel any aid which they may receive, either through the National Fund or the county community development committee, or if they wish, the area committee.

Any other course can only lead to confusion and chaos.

Tuesday, 11th May 1965

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

SENATE MESSAGE ON BILL

The Speaker (Mr. Slade): I have to inform hon. Members that we have received a message from the Senate that they have agreed to the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill, without amendment, on Friday, 7th May 1965.

PAPERS LAID

The following Papers were laid on the Table:— Agreement on Technical Co-operation between the Government of the Republic of Kenya and the Government of the Kingdom of Norway.

(By the Vice-President (Mr. Odinga) on behalf of the Minister for Economic Planning and Development (Mr. Mboya))

Sessional Paper No. 13 of 1964/65: Proposals by the Commonwealth Governments for the Establishment of a Commonwealth Secretariat for the Promotion of Commonwealth Development Projects.

(By the Vice-President (Mr. Odinga))

NOTICES OF MOTIONS

SESSIONAL PAPER NO. 13 OF 1964/65:
PROPOSALS FOR A COMMONWEALTH
SECRETARIAT

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House notes Sessional Paper No. 13 of 1964/65 on the proposals by the Commonwealth Governments for the establishment of a Commonwealth Secretariat and a scheme for the promotion of Commonwealth Development Projects and approves the Government's intention to continue discussions and consultations to find the basis for implementing these proposals.

SALARY AND ALLOWANCES OF THE PRESIDENT

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

THAT this House, having noted the requirements of section 35F (1) of the Constitution of Kenya (Amendment) Act, 1964, resolves that the salary and allowances of the President of the Republic of Kenya shall be—

Salary	£7,000 p.a.
Duty Allowance ..	£4,500 p.a.
Entertainment Allowance	£2,000 p.a.

and further does, in accordance with section 12 (2) of the East African Income Tax (Management) Act, 1958, resolve that such salary and allowances as are payable to the said President shall be free of income tax.

NO CONFIDENCE IN MINISTER FOR INTERNAL SECURITY AND DEFENCE

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

THAT in view of the way in which the Ministry of Defence and Internal Security is being run and appointments of officers in key positions in the said Ministry, and the current activities of the General Service Unit in the country, this House resolves that it has no confidence in the Minister for Internal Security and Defence.

ORAL ANSWERS TO QUESTIONS

Question No. 2072

SALARIES FOR NEW CHIEFS

Mr. Nyalick asked the President if he could tell the House what steps were being taken to pay newly employed chiefs salaries commensurate with their titles and duties.

The Speaker (Mr. Slade): Is there anyone here to answer for the President? We will have to go on to your question, Mr. Theuri.

Question No. 2093

DEMONSTRATION OUTSIDE PARLIAMENT BUILDINGS

Mr. Theuri asked the Minister for Internal Security and Defence if he would tell the House whether he was going to issue a warning to the public that no demonstration of any sort should be staged within a half mile from the Parliament Buildings.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. No, Sir, each application made to the police for a licence to hold a demonstration or procession is treated on its merits and is allowed or refused depending on the security situation obtaining at

Mr. Gichoya: On a point of order, Mr. Speaker, is he explaining paragraph 21?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, when the hon. gentleman moved this particular amendment, at certain points he was at pains to tell us that Kenya was not living in isolation. If that approach is accepted, then surely it must be agreed that in explaining the system which Kenya adopts, it is necessary to show where it differs with other systems? Why, therefore, shall we delete paragraph 21? Is it in order to keep the people in ignorance, so that later on they can be taken advantage of? The Government rejects this proposal.

Mr. Speaker, we are also asked, on page 9, paragraph 25, to delete the first sentence, and here I believe the hon. gentleman was labouring under a misunderstanding or misapprehension. He suggests that we should delete the sentence, "Similarly, the fact that other countries are more advanced is not a matter of jealousy, but of opportunity." But, when he spoke to this amendment he was saying that this amendment seeks to compare Kenya with Uganda and Tanzania. Nobody has ever suggested that Uganda and Tanzania are among the developed countries of the world, nor are they more developed than Kenya is. When we talk of development countries of the world, in comparison with underdeveloped or developed nations of the world, we clearly understand the meaning of these two phrases, and I would have thought that the hon. gentleman would have understood this quite easily. All we are saying here is that there are countries which are developed, and instead of wasting our time in jealousy of them we should seek to work hard to come to the same level. We seek, also, to exploit those chances, experiences, and opportunities, which co-operation with them would give us in order that we, too, may move forward. That is all we are saying in a nutshell. Mr. Speaker, Sir, the Government insists that the sentence should be retained.

Now, the other one is on page 13, paragraph 38, and here we are asked, in subparagraph (ii), to delete all the words after the words, "managerial levels", excluding the word "and". Mr. Speaker, the hon. gentleman quarrelled with the additional words, that is "as soon as qualified people can be found". Mr. Speaker, I have some sympathy with what he says, mainly that it should be made explicitly clear to business enterprises and firms that we want Africans to be taken into managerial jobs, but to leave (ii) out of context is highly dangerous, because (ii) is not the full explanation of Government policy. To pretend

that manpower problems do not exist is merely to adopt ostrich tactics, but it does not eliminate the problem. What is more, in this Paper, one finds that, in fact, not only do we say there is a manpower problem, but we also say that there must be training opportunities and apprenticeship schemes by these firms to bring the Africans to the point where they can take up these opportunities. Mr. Speaker, I do not see that we should quarrel very much about this. Government does not accept the amendment.

Lastly, one page 19, paragraph 57, we are asked to add (iii), "control the outflow of foreign capital". Mr. Speaker, again I have sympathy with the hon. gentleman in what he seeks to achieve by this amendment, but I would like to suggest that he has not read the Paper so extensively as he should, because if he did, he would realize that we have discussed these problems, and that we have not only suggested the setting up of the Central Bank, but we have also suggested the taking of certain measures and steps, both through such measures and other measures, to ensure that the extensive or in fact, put at an end. We have discussed foreign exchange quite fully, and therefore, Sir, Government does not believe that there is a case made for the addition of this new subparagraph.

Mr. Speaker, Sir, Government rejects all the amendments.

(Question of the amendment put and rejected)

The Speaker (Mr. Slade): I now have to propose again the original question, the debate on which Mr. Mboya will now be replying to.

(Resumption of debate on original Motion)

Mr. Gichoya: On a point of order, Mr. Speaker, in connection with one word which was used to me by hon. Mr. Gachago and was echoed on this side by hon. Mr. Malu, "chakula", I want to know what is "chakula". It was directed to me.

The Speaker (Mr. Slade): You say there was something offensive in that word?

Mr. Gichoya: Mr. Speaker, Sir, I had been made it clear. These people are using the word "chakula" in connection with the speech of the Vice-President in Western Province when he spoke of communism, and the people here are attributing that thing to me.

The Speaker (Mr. Slade): Order, order. I would leave that alone. It is a very remote implication of offence that people should say "chakula" when they see you. It might even be complimentary. If you connect it in your mind with a speech

[The Speaker] which the Vice-President recently made and which received some publicity, even that is a matter of argument as to whether you agree with it or did not agree with it. You cannot take offence merely from being referred to as "chakula".

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, in replying to this debate I would like in the first place to take this opportunity to thank all those Members and those of my colleagues who have taken part in the debate in helping to clarify the issues raised in the Sessional Paper. I think it is right that we should have given the House a full view in which to debate this very important policy Paper. I regret that not every Member was able to speak and that not all the ministerial statements were made, but I think it is most important that this debate should be brought to a close, so that the country knows that this document has the full authority of Parliament as well as the Government.

The first thing, therefore, that I want to say is that I am struck by the identity of views expressed by most of the Members who have spoken during the debate; in fact, when I consider most of the speeches made, I find that not a single Member has produced any arguments that would dispute the thesis or the principles and ideas that have been put forward in the Paper. When the Sessional Paper of the Government, as presented in the Sessional Paper, is approved by this House today, Mr. Speaker, a major step will have been taken towards achieving political unity and economic progress for our country. The Government, the Party, Members of Parliament and the people of Kenya can then, I hope, concentrate their energies on creating African socialism in Kenya, on implementing the policies outlined, and on striving in full co-operation for the higher standard of living the people want. The Constitution, the Kauti Manifesto and this Paper on African socialism show us the way to a better life. It remains for us—that is, the Government, the party and Members of Parliament—to lead the way along that path as quickly as possible.

However, Mr. Speaker, I would like to say this at this point. Some Members have suggested in this House—such as my hon. friend who has just left the Chamber, the Member for Kandara, and left the Chamber, the Member for Trans Nzoia—that other Members who spoke yesterday—that this Paper on African socialism rests on a new philosophy of Government, that embodies ideas, that they have been fighting for a long time. But, Mr. Speaker, this assertion, or this allegation, cannot stand any serious examination because it is wrong. It is noted already in the Paper itself,

and emphasized in the remarks I made during my speech, that this Paper is built on the Party Manifesto and on the Constitution. It is absurd for any Member, therefore, to get up in this House and try to suggest that at last the Government has come to think as they have been thinking. It is absurd because those Members do not seem to appreciate that this Paper is an explanation of the Kauti Manifesto itself, point by point. The principles embodied in those earlier documents—the Manifesto and the Constitution—are faithfully followed in this Sessional Paper and we have simply spelled out in the Sessional Paper those important party principles that have guided the Government ever since it has been in power since 1963. Mr. Speaker, if some hon. Members now find that they can agree readily with the Sessional Paper, I suggest that it simply means that they have been good party members all along, but perhaps without knowing it. I think, however, that there are some who have forgotten party principles laid down in the Kauti Manifesto, and that old principles expounded in the Manifesto now look new to them. Mr. Speaker, Sir, without labouring the point any further, perhaps I should merely say that I welcome these wayward individuals back to the fold.

During the course of this debate, this House has heard many Members of the Government—that is, Ministers and others—indicate how African socialism is being put to work in the different Ministries. Other Members of this House have spoken in support of the Paper and have made as well several very valuable points. I can assure the House that these suggestions, I shall return to these suggestions in the Government's reply, but first I want to take up directly, and without dodging issue, the three questions which I feel need further clarification. It is here that disagreement has been voiced or implied. I am referring, Sir, to the differences implied in the definition of African socialism, in Kenya as against scientific socialism and, secondly, to the differences implied as to the nature of classes in our society and, thirdly, the whole question of nationalization in development. I welcome back my friend, the hon. Member for Kandara.

It has been suggested in this House that the Sessional Paper No. 10 should have been entitled "An Economic Appraisal." This was suggested by the hon. Member for Trans Nzoia. Mr. Speaker, Sir, my Ministry will be publishing very soon—in a few weeks' time—an annual economic survey—I hope Members will read that factual document carefully because it sets out in detail the economic progress we have achieved during

[Mr. Kagia]

some people should own big *shambas* when others have none, and in that way they are building the country. I think that this is wrong. It is wrong because we, as hon. Members of Parliament, or Ministers who earn salaries, should not buy big stretches of land, because by doing so they are depriving the people who cannot earn a salary. I think this is wrong, Mr. Speaker, Sir. We should be happy with the salary we get and let the Government utilize the land for those people who cannot earn a salary. To buy big *shambas* when others are starving is not building the country. In fact, it is demolishing the country.

Therefore, Mr. Speaker, Sir, I think that the other thing I would like to correct is this. Some people are going around saying that I advocate free things. We have promised our people free education, free medical services and also we promised our people land. I think it is wrong for the Government to try and ridicule me saying it is Kagia's policy. It is not Kagia's policy. It should be our policy. Instead of fulfilling our promise you go and buy land for yourself and say, "Kagia is promising free land." The Government must use this Paper to see that our people get land, free education and free medical service. When one asks, Sir, as to who is going to pay for these services one seems to think that we are so very ignorant. When we were promising free education, we were only trying to help the people who could not pay fees, and we are trying to see that their children get education. Unless you abolish fees, you cannot guarantee a poor man's child education where there is no such provision. If you cannot make education free, the poor will not be able to send their children to school. You can tax me and others who have money to enable the man who cannot afford to send his child to school, to do so. There is no reason why people should try to ridicule us; what we are saying is that the society must try to provide free education for all to ensure that those who were not able to pay school fees would be able to send their children to school.

Thank you, Mr. Speaker, Sir. I beg to second the amendment.

The Speaker (Mr. Slade): It is now time to call upon the Mover to reply, but first of all I have to propose the question of the amendment.

(Question of the amendment proposed)

The Speaker (Mr. Slade): Now we should dispose of the amendment before the Mover replies to the debate as a whole, and I have suggested to Mr. Mboya that the best way to deal with it

would be for him to reply to the amendment first of all; then we will put the question of the amendment, and then, whichever way it goes, he will be able to reply to the debate as a whole.

Mr. Khalif: On a point of order, Mr. Speaker, Sir, under Standing Order No. 15, I would like to move that the discussion of this debate be now adjourned.

The Speaker (Mr. Slade): No, I am afraid that an hon. Member cannot move an adjournment of a debate unless he is on his feet speaking in the ordinary course of the debate. It may seem odd, but it is not actually a matter which can be raised as a point of order. Adjournment of the House is a point of order, but adjournment of debate is something which an hon. Member can only move in the ordinary course of speaking to the debate. I will now call upon Mr. Mboya.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, since I will be replying to the main debate, I will not take much time in replying to the amendments proposed, except to say this, that I have listened very carefully to both the Mover and the Second of the amendments and I find it difficult to understand the motive and purpose of the amendment. The Second of the amendment has not been spoken about the amendments but also spoken about the Paper. Those matters which he has raised which concern the Paper I will deal with in my main reply. As far as the amendments are concerned, nothing has been advanced in support of the suggestions made.

The first amendment which we are asked to accept, with the greatest respect to the Mover, I have read and re-read, and the more I read it, the less I understand it.

Mr. Speaker, I am sure the House will agree that the most important thing in producing a Paper such as this is so that it can be understood, and if the amendment is merely to make it less understood, then, Sir, we are not serving the purpose of the Government or the House. It will need a lot of interpreters for the general public, if we were to accept this amendment. Apart from that, the Second of the Motion has rightly pointed out that, in fact, the Paper, as now drafted, is quite all right, and that the amendment proposed is perhaps merely putting on some words. Now, Sir, I do not think it is necessary for any embroidery on this Paper.

As far as the other amendments are concerned, the second one deals with provisions, there is a subparagraph making provisions for East Africa

The Minister for Economic Planning and Development]

for federation and for union government. With respect, Sir, these are matters which are fully covered in the Kanu Manifesto. The purpose of this Paper is to interpret the Kanu Manifesto in so far as the economic policies of the Government for Kenya are concerned. It does not neglect those provisions of the Kanu Manifesto which already stipulate that we might move forward to federation, and we will support the Pan-African movement, and in this case, the Organization of African Unity. Consequently, the purpose of the amendment appears to me rather vague, to say the least. It is an unnecessary exercise, and, in fact, it would be redundant and completely out of keeping with the full effect of the Paper as an economic policy paper. Consequently, Sir, the Government cannot accept this amendment.

The other one is an amendment by which it is suggested we should add certain words, merely to affirm that there will be respect under African socialism for freedom of worship.

Mr. Speaker, these are fully covered in the Paper as it now exists. The words may be different, but when you look at the Constitution, especially the relevant clause which we have quoted, you will find that these words are already very clearly defined and stated. Now, I do not see what would add to the Paper to include these words as now suggested.

Mr. Gichoya: On a point of order, Sir, I see the Minister is not even pointing at the deletion, but is only talking in terms of addition, which is altogether quite a different context.

Mr. Speaker, I am sure the hon. Member understands what I am doing. I am rejecting the deletion and I am rejecting the addition.

The Speaker (Mr. Slade): The hon. Member is quite right, because, Mr. Mboya has not yet referred to the fact that he also proposed a deletion.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, if the hon. Member had been patient enough to let me finish what I was saying on this particular part of the amendment, he would have been able to follow what I was doing. I started off by saying that the addition is unnecessary, and I would like to end by saying that the deletion is unnecessary. The deletion would merely help to confuse the issue, and as now drafted, the words that are provided—make the issue quite clear and a change does not see to be merited at all.

What is important here is that the amendment does not reject any part of the actual principles

and ideas contained in the Paper. It is merely an attempt to state them in a different form. Mr. Speaker, if we were in this House to engage in discussing, word by word, sentence by sentence, phrase by phrase, how we should have worded various documents that come before the House, we would have—each of us—constituted ourselves into one-man drafting committees. I do not think, Sir, that that is particularly necessary.

The other amendment suggested is that in the fourth line, on page 7, paragraph 20, we should delete all the sentences that follow, and I try to understand why these deletions should be made, and all I can find is that the hon. gentleman feels that it is wrong for us to have stated in this particular paragraph our own conclusions regarding the state of things in the country and those that we have especially inherited from colonialism. Now, Sir, it is a debatable point, if I understand his intentions—

Mr. Gichoya: On a point of order, Sir, is it not out of order for the Minister to try to give a different interpretation from what I put forward?

The Speaker (Mr. Slade): It is not in order for hon. Members to misrepresent what other hon. Members have said, although it can, of course, happen that they misunderstand what other Members have said, or that they put their own interpretations on what other Members have said. I do not think that there has been any actual misrepresentation here.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, the question here really is this. These are the sentences which he wants us to delete. Even so, African traditions, have no parallel to the European feudal society, its class distinctions, its unrestricted property rights, and its acceptance of exploitation. The historical setting that inspired Marx has no counterpart in independent Kenya. Mr. Speaker, this constitutes our conclusion. Now, if the hon. gentleman does not accept the conclusion, we reserve the right to disagree with him. Consequently, the Government does not accept the amendment.

One page 8, paragraph 21, the hon. gentleman suggests that we should delete the whole paragraph. The reason, as I understand it, is that the hon. gentleman feels that it is unnecessary for us, in explaining our system to the people of this country, to explain the difference between us and capitalism. Now, Mr. Marxist socialism and us, explain why anyone, Mr. Speaker, I do not know exactly, why anyone should 'take offence, when we try to explain to our people the difference between these two systems and their relationship—

[Mr. Glechola]

those which existed in nineteenth-century Europe. We have in this country settlers who came and grabbed the whole of the land that was available in this country and made the owners of the land as squatters or servants on their own land. These people were made propertyless, and they were servants of the settlers. This is the same today. The coming of independence has not changed anything. The Africans, the owners of this soil, the majority of the people of this country are still slaves of Europeans in their big estates and settlement. This shows exactly that we can borrow something from Marx because we have this particular condition that is very, very much the same.

When we come to industries, here, Mr. Speaker, I think the conditions are even worse than those which existed in Europe during the time of Karl Marx, because in those days—

Hon. Members: Question, question.

Mr. Kaggia: You may question me, but I will teach you.

In Europe, Mr. Speaker, the industries or the property were owned by the Europeans, and they exploited the servants, who were Europeans, so a master could have at least a little mercy for his servant because he belonged to the same colour, but here it is worse, Mr. Speaker; we have property and industries owned by foreigners, by our exploiters by our former masters, exploiting Africans. The conditions are worse. We have all these workers who are working under very difficult conditions, who have to fight every day for an increase in wages, who have to fight and negotiate with the employers who have no mercy for working Africans. Therefore, I only wanted to correct this misunderstanding and say that the conditions are almost the same and they must be corrected. Just to say that because we are independent, we are free Kenya, these conditions does not exist, it is just wishful thinking. The conditions exist and they must be corrected, and I hope that this is the intention of this Paper, to correct these anomalies.

Mr. Speaker, in section 101, the Paper says that something should be done to see that people own moderate-size plots. This is what we have been urging in this House many times. We have been complaining that some people—those with money—are allowed to own big stretches of land while many ordinary people cannot get a piece. I am glad that the Government have accepted this and I am sure that they are going to do something to see that a sort of ceiling is made to ensure that the few people with money are not

going to take over whole of the land and leave the poor African without anything, because, as I have said many times in this House, if we have 20,000 rich Africans taking over all the land that was formerly owned by Europeans, then we shall have achieved nothing, we shall have only exchanged white settler exploiters for African settler exploiters and I think this Mr. Speaker, is contrary to what we have promised in our Manifesto.

In sections 101 and 102, Mr. Speaker, the Minister for Economic Planning has tried to tell us that we should concentrate on development of land but not on the transfer. Here, Mr. Speaker, he argues that transferring does not increase wealth or assets, but I must point out that transfer, as far as the land in this country is concerned, is more than transfer; it is a transfer from a foreigner to an indigenous citizen of this country, because all the wealth that is being drained out of these big farms, as they are owned by foreigners, is going out from the country. If this land were transferred into the hands of Africans, it would not be only transfer but it would mean that it has transferred the land, and also the money that has been going out to England is going to stay and be invested in Kenya. Therefore, Mr. Speaker, I stress very much that the Government must go further and see that this transfer comes very quickly and, on the proper lines.

Mr. Speaker, I am very glad about section 101, and I congratulate the Government on this because they have accepted one very important thing that I have been saying in this House: I have been scolded by Ministers in this House because of this. They agree and admit in this section, that the settlement scheme has been wrong. The scheme was designed by the British colonialists and for the benefit of the European settlers. I congratulate the Government for accepting this fact, and I am glad that I was able to continue pressing on this matter until the Government agreed. Mr. Speaker, Sir, I think the Paper should have gone further and suggest what to do to correct this. If I remember it was only the other day when I suggested that the Government needed a bold Land Policy, and the Assistant Minister for Settlement told me in this House, that there was no need for such a policy, because we have the settlement scheme. It is the wrong settlement scheme and the Paper should have told us what plan there was to get a proper scheme. In the same section, Mr. Speaker, Sir, the Government says that the benefit which the public is going to get from the settlement scheme is not anywhere near the amount of the debt incurred which the Government is going to pay.

[Mr. Kaggia]

This is true and this we are saying very openly and I would like to see the Government planning and getting a better plan which is not going to cripple our Government with debt and so on. I hope that the Government will continue on this Paper and make specific plans to bring about the change.

I would also like to congratulate the Government on section 108, where they talk about idle land. I would like to add on this, that here we have many shambler which are not being developed. Some of them are just too big for the owners to develop, and so I think the Government should do something about this. Just because a European settler owns some land then it should not be left to him just to say, or do whatever he wants to do with it, and the Government must see that the owner is using it, and the Government should say that if he is not using it then it should be taken away. Mr. Speaker, Sir, some of these farms are farmed by absentee landlords, who are just waiting to be bought out by the Government, who have no interest in the farm, and are just sitting in England until the Government gets a loan from England to buy their land. I think the Government must be very positive here to say that this land must be used for the benefit of the people of this country.

Mr. Speaker, Sir, I am sorry that I have such a little time left, but I would like to say something about that most controversial thing: nationalization. Mr. Speaker, Sir, I am glad because the Government has accepted this as one means of distributing wealth and distributing it to the people. I would like to say that those people, I think they should be ashamed now who have been always waiting for Kaggia to mention nationalization, and then say, "That is Communism?", I think, Mr. Speaker, Sir, that this Paper is going to help us to understand that even the Government, which they claim to support the Government, which they claim to support this always and sometimes blindly, has accepted this fact. I am glad that the Paper says wherever a service is vital to the people the industry should be nationalized. I think this, Mr. Speaker, Sir, is all right. Mr. Speaker, Sir, where I differ with the Government is in the timing, and what I was going to say, was that if we only say that nationalization is needed so badly but that whenever the time comes this and that industry will be nationalized, it will not be much. I think the Government should have a goal, so that we can work towards that goal. It should be laid down that the Government should do everything that is possible to see that in two or three years such

and such industries will be nationalized. There are two main difficulties which have been brought out in the Sessional Paper regarding nationalization and I would like everybody to note this, Mr. Speaker, Sir. The Government accepts nationalization, as the means to bring money into the Government coffers but qualifies it with two difficulties. One is the finance to buy out industry. The second one is the lack of manpower. I think, Mr. Speaker, Sir, that the Government is capable of solving these two difficulties.

Mr. Speaker, Sir, firstly, I think the Government is becoming too timid to change its own Constitution, because one clause in the Constitution imposed on us at the Lancaster House Conference when Kudu and the Colonial Government insisted that before anything could be nationalized, prompt payment must be made, must be amended. But, Mr. Speaker, Sir, I think that there are very few countries who can give prompt payment whenever they want to nationalize. I think this clause should be changed. The Government should be in a position to pay compensation on their own terms, because if we retain this clause, then tomorrow the Government may decide that this commodity is vital to the people of Kenya, but Mr. Speaker, Sir, it is so difficult to make prompt payment and therefore you cannot nationalize. It means that we are going to allow ourselves to be tied by our own Constitution. I think this is wrong and I also think that the Government is failing in its duty, if it does not change that clause which is tying us up unnecessarily, so that whenever the Government feels that one industry is due for nationalization it can go ahead without delay. Therefore, Mr. Speaker, Sir, I would like to say that it is very important for the Government to amend this.

Mr. Speaker, Sir, I would now like to speak on this lack of manpower. This is a threat which is made by so many capitalists and whenever you try to nationalize this or that you are told you have not got the manpower to run the industry. The Government can do anything to accelerate its programme of training, and recruitment, and we should not be afraid of nationalizing anything. If you decide to nationalize today, and we agree that we pay the compensation on our own terms, then the Government can do anything to recruit people from overseas and at the same time training our people to run the industry.

Mr. Speaker, Sir, I think that now my time is running out, but the other thing I would like to say, is that the hon. Member for Kilifi told us that the one way of building a nation is that

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could be true. But let us try to avoid it, let us be modest; that is more important. Let us be more modest, in order to help others as well, to make them our friends rather than our enemies. That is why I say that that sentence must be deleted.

I come to another point, Mr. Speaker, which is on page 13, paragraph 38. Here, again, our Government accepts going forward, committing itself and rejects completely Africanization. Here it says talks about foreign investors. We are told, "Foreign investors should therefore be prepared to accept the spirit of mutual social responsibility, for example—(i) by making shares in the company available to Africans who wish to buy them; (ii) by employing Africans at managerial levels as soon as qualified people can be found." When you say, "as soon as qualified people can be found", it means you are giving these people an opportunity to say "Well, we can always convince the Government we do not yet have the manpower." Why can it not be left to them to determine whether the manpower they have is capable, whether the people are qualified or not. If they are not qualified, it is up to the company to make them qualified, but there should not be the situation where Africanization in these places of managerial positions should be conditional on "as soon as people are qualified". If somebody is in the service for a number of years or in a private company, for that matter, he knows the ins and outs of the company's affairs, but because of virtue of the existing conditions, whereby we say, "All right, we do not care where the skill comes from," the company says, "We don't care, these Africans are not educated, they have no long service in the company and, consequently, they cannot be put into managerial positions."

This House, through this Paper, should deliberately make it clear that, whatever happens, these managerial positions must be held by Africans, immediately, and each company should try to find out how best it could take Africans on in managerial positions. The question of saying, "as soon as qualified people are available", is all the same, it is a colonial slogan. What is the reason for that? The whole thing must be Africanized. Put it after ten years for the whole thing to be Africanized, put it after five years, but do not keep us in suspense when the facilities are available. When are they expected to be available?

Mr. Speaker, I thought the best thing would be to put that these foreign investors should employ Africans at the managerial level, full stop, and no more. Then we could add something about

providing training facilities for Africans. That is all. Why should we commit ourselves, that the condition for getting these people into managerial positions must be that we get the qualified people? The Kenya Government claims that it does not have qualified people for every position. When the same disease spreads to the companies, what is going to happen? All the time people will be saying, "Well, our Government is not doing anything for us, we are being neglected," and that is wrong. So I propose the following amendment to page 13 paragraph 38 subparagraph (ii): that all the words after the word "managerial levels" be deleted, ending the word "and".

Mr. Speaker, there is something I want to add on page 19, paragraph 57. Here, I say let us also try, Mr. Speaker, Sir, to augment the income of this country by preventing, as far as possible, the outflow of foreign exchange. It is only in this country where I see that decisions are never made to prevent the outflow of money from this country. I was shocked to understand, Mr. Speaker, that even today we are dealing with South Africa. Through where? Southern Rhodesia. A very good example of this one is the Kenya Theatres. I challenge the Minister—my Minister, for that matter—who says that there is no money which goes out of Kenya to South Africa through Salisbury.

The Attorney-General (Mr. Njonjo): Substantiate.

Mr. Gichoya: Yes.

So, these things being as they are, I suggest that the Government must put controls over the outflow of foreign exchange. There is no question of saying that we have a free market, a free market for everything. Here we have been confounded with so many foreigners coming in here. They come here to put a plant in the country. If they can do so, all the better. But it is not a question of ours being the only place for the marketing of their goods, and whatever we get by investment from other places, it goes straight back by the other door. Today, in the settlement schemes we have settlement officers who are expatriates and had no further training before to make them qualified settlement officers because we never used to have settlement schemes in Kenya. They are the people who used to be in this country, but now they are called expert expatriates.

The money coming from England to buy out the European settlers goes back in the pocket of the brother settlement officer, back to the same bank, straight to London; from London it goes

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back to London. Unless something is done to prevent this outflow of money from our country, we are bound to find ourselves living in a fool's paradise. Here you will find big mansions owned by Kari Manji, the other person, and yet his money does not stay in the country. The building is there and the rent from it goes straight to Bombay. The other money goes straight to London because the owners of those buildings, those mansions, are staying in London or in Bombay or New Delhi. I therefore propose the following amendment to page 19, paragraph 57, that a new subparagraph (iii) be added as follows: "Control the outflow of foreign exchange."

Mr. Speaker, Sir, with these few words and in order to allow others to speak, I congratulate the Government for taking us away from a vacuum where we have always been told African socialism is coming. I believe the amendments will be acceptable to the Government. Thank you.

Mr. Kagia: Mr. Speaker, I very much welcome this Paper because, although it has not gone far enough, as I would have liked it to go, I think it has opened a door for us to create or to enter on to our road to socialism.

I think it has provided a very good ground for debate in this House, which has enabled the Government to have views and suggestions which will enable us to build our socialism on the right foundations. Mr. Speaker, I believe it is also going to be the foundation of our Kenya socialism.

Mr. Speaker, in supporting these amendments, I think that the proposed amendment to the introduction is only trying to make the definition more clear than it was. Principally, I have no quarrel with the definition which is provided by the Minister for Economic Planning and his Assistant Minister. I think it is a very sound and beautiful reading, and I believe that the definition does not matter very much, but what is very important is the application of what we put in this Paper.

I do not mind, Mr. Speaker, calling our socialism African socialism, Kenya socialism, Kikuyu socialism, or even Luo socialism, but I believe that whatever prefixes we use, must be socialism and not capitalism, and I believe that the Government is really intending to implement socialism as applied to our own conditions and environment, but not to bring capitalism under the cover of socialism.

With this, therefore, I think, if the Government accepts this amendment, it will make it more

clear and more understandable, because when we say that the word "African" in African socialism means African traditions, and so on, one wonders whether this is going to be Kikuyu traditions, Luo traditions, or any other tribal traditions because they are so much different and no two different tribes have the same traditions.

Mr. Speaker, I believe that any kind of socialism, any form of socialism, must have three important objectives. One is that it must eliminate exploitation, and that is laid down in the Kanu Manifesto very clearly. Secondly, it must provide a fair and equal distribution of the wealth of this country to all people of Kenya. Thirdly, Mr. Speaker, it must make it possible for every person in this country to have food, to have education, and medicine. I believe that the Paper before this House, if it is applied properly, will meet these three objectives.

For this reason, Mr. Speaker, I do not have much quarrel with the definition and I think the proposed amendment here is only going to make it more clear because we must be very clear when we talk of African socialism, whether we are suggesting that we go back to the old society before the advent of the British in this country, or we go from where we are today, because it appears as if the definition given is trying to suggest that the old African society which was here before the British came into this country is still in existence. But we must agree that most of this has been completely destroyed and there is very little that is left, unless we suggest here that we are going to demolish everything that we have here, that we go back to our old traditions and here, that is not the socialism on that. I believe we start building our socialism on that, and that is not the suggestion, and if it is not, Mr. Speaker, then we must be very clear that we are only going to conserve that which is left and that which is good and build on what we have here today.

Mr. Speaker, it is not enough for one to say that the conditions that existed in Europe, and which made Marx write his theories on socialism, which made Marx write his theories on socialism, do not exist in this country, unless one is going to say that Kenya is still in the 1900's, because the conditions prevailing in Europe in the nineteenth century are the conditions that were imposed into the colonial countries by the imperialists when they came and colonized these countries. The conditions of masters and servants or slaves that existed in Europe were imported here, and I would like to give a few examples, here, and I would like to give a few examples. If we are talking of a time before the British came here, I could quite agree that our conditions were very much different, but I will not agree were very much tries to tell us that the conditions in Kenya today are so much different from

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economic and political thinking guided by planned production for use and to the greatest extent the property basis being the public social ownership of the means of production, as opposed to commodity production for private profit the property basis being private ownership of means of production. Kenya people term this new philosophy "The African Socialism".

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, we would like to follow the amendment that the hon. gentleman, I suppose, wants to read to us, and I do not know whether the words he has uttered so far are a quotation from the amendment, or just his own words. I would like to follow the amendment.

The Speaker (Mr. Slade): Of course, the hon. Member is entitled to speak to the question as a whole, as well as putting forward his amendment, but we have got very limited time. We have many Members to consider. Mr. Gichoya led me to hope that he would only take twenty minutes altogether, so I hope it will not be more than that.

Mr. Gichoya: Mr. Speaker, Sir, I think even after reading the amendment, and people have seen them—

The Speaker (Mr. Slade): There is no need for you to read formally the whole amendment, but you could go through them one by one.

Mr. Gichoya: Mr. Speaker, I see that the introduction, as it is, is made to give us a definite definition to our African socialism. What is given here is an explanation of what is supposed to be African socialism, but I thought it wise to have a definition, and it is here given. That is the first amendment.

Mr. Speaker, Sir, we have accepted that the Africans are poor, and the Africans constitute in this country, the bulk of the population. If there are any benefits which could be calculated as democratic benefits, or benefits directed to benefit the majority of the people, then it is the African people who should really be taken into consideration. Today, very few Africans are in a position to afford to buy big acres of land, but the State can buy an estate and resettle the Africans who cannot afford to buy such an estate.

Of course, the Government has plans for settlement, but the method of settlement must be changed, changed to make it possible for the poor person to have a place under the sun. But the Sessional Paper does not tell us that a settler or somebody who can be settled in a particular

land should pay Sh. 102 in advance. It is here that I say the method of settlement must be changed to accommodate the poor people who otherwise cannot afford it. That is the guard I have with the settlement schemes.

Mr. Speaker, Sir, in our document, which is a historical document, on page 2, paragraph 7, I propose that the first sentence be left out, and the word "it" in the second sentence be replaced with the words, "African socialism". If this definition is accepted, obviously we are contributing to the African people and continent, and again we are always ready to accommodate other states in joining us. So I say that we should leave room in this document to incorporate one element showing specifically that we are prepared for the Federation of East Africa, as we cannot live in isolation, and at the same time we must have one Government for the African continent, for which the Organization for African Unity has been trying to work and which should possibly be incorporated in this document. I believe the Minister responsible for planning, who has many times dealt with federation, and many times dealt with the Organization for African Unity, will definitely accept this one without even querying it, accepting that it was perhaps a kind of omission, but not deliberate, but a mistake, and that it should be added to make it subparagraph (ix): that is, we add as follows:—

It must leave the door open for the East African Federation and/or accommodation for union government of Africa in accordance with the spirit of Organization of African Unity.

The other thing, Mr. Speaker, I wanted to say, is with regard to page 4, paragraph 10. Now, if we are not antagonistic and if we accept that one thing is certain, that we are going to move from one particular type of economy, under which we have been brought up, and try to aim at our own sort of set-up of economy, I do not think there is any need for wasting more time telling others that African socialism will keep us politically from communism. We already have our own political party, Kanu. Here I would say that I do not know political differences we are referring to, because we are a one-party State. If we believe that we have a party and we believe in our own party, why should we speak of other parties? So, I think the best thing is, unless we have a really conscientious, we do not mention these things. Perhaps that would be dictation from a particular circle, that, if you do not mention communism, you are going to get it in a different form or, if you do not mention capitalism, this could be the position. Let us have an independent Kenya, we have our own policies and we are not to be

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dictated either by the capitalists in America or Communist Russia, if those two states can really be called true representatives of the two theories. So I propose the following amendment to page 4, paragraph 10:—

After the words "unfettered democracy" appearing in the ninth line, delete all the sentences that follow and add the following: Freedom of worship shall be respected under African socialism.

Another thing, Mr. Speaker, here, on page 7, paragraph 20, I think somebody tried to fight a battle for nothing. How many people in this country actually understand these matters? My friend who was here is an expert, but when we are told that the African traditions are different from European traditions—and I would like to point out here that we have a tradition of Africans being squatters in one area, and in Europe they used to call them serfs—the only difference is that here in Kenya we call them squatters. Now another example is Buganda, where you find that a person born of a royal family is a member of the royal family. Is Buganda not a part of Africa? Are the Buganda people not Africans? Do not they not follow the African traditions? We cannot isolate ourselves to just mere small Kenya. If we talk in terms of African socialism, let us look at it with a wider perspective, on a continental basis, and for our own sake on an East African basis, because we are more concerned with East Africa directly than the African continent in general. It is erroneous to say that the African traditions cannot be compared with the traditions of Europe. If a landlord is a landlord definitely, whether black or white, both are landlords. Land owners, individual owners, which we are trying to create now—and here it is written clearly that title deeds and so forth, and land consolidation, brings things into individual ownership as opposed to communal ownership—will put us definitely on the same path with conditions in other places where capitalism stands or feudalism stands. The basis of capitalism is a feudal society, so if we are aiming at crushing the capitalistic society that has been created here, moving towards socialism as proposed here, moving towards our Nation. Consequently, the question of saying that we do not distinguish this or the other, we do not have parallels, does not apply. We have already accepted the fact that capitalism does exist and it was on that simple basis that the Father of our Nation, that our people have the right to be free from economic exploitation and social inequality. Do those who really try to oppose

my thinking on this want to tell me that as soon as we achieved independence a new society was created other than the society that existed before? However, going ahead, I believe that in the best way—Let us leave that part and proceed. I therefore propose the following amendment to page 7, paragraph 20:—

In the fourth line after the words "not always respected", delete all the sentences that follow.

On page 7, paragraph 21, I say the whole paragraph must be deleted, and that is why we should adhere to Marxist theories, and if they have no parallel here, who is arguing that they should have? Who is saying that these things must be here? Take them out, delete it, then we will have a wholesome document, without referring to this and that. If it was a question of debating for argument's sake, then I agree with references here and references there, but this one I believe is an unnecessary addition to the document, so that one, Mr. Speaker, Sir, I say it should be deleted completely.

Mr. Speaker, in paragraph 25 on page 9, the first sentence should be deleted. If we have accepted that in East Africa particularly we are all brothers, it must be accepted also that whatever language we use in our own dealings in Kenya, it should not be interpreted by the other parts of East Africa as something underrating their development. What is said is, "Similarly, the fact that other countries are more advanced is not a matter of jealousy but of opportunity." This would be interpreted in Uganda will go back to Tanzania; the people in Uganda will go back to Tanzania; the people in Uganda will go back to Tanzania; where it was said that the Federation could not be because not all parts of East Africa are equal in terms of economic development. Some are highly developed by certain conditions. People are not complaining that Nairobi has had the concentration of industries, and there should be now a dispersion of industrialization, instead of just looking at the big cities, we should aim at the developing the villages, the small towns in the rural areas.

So if that is accepted, why on earth should we have this sentence? Conditions, of course, are better from place to place, but let us not emphasize this much because we are better off than Uganda, better off economically than Tanzania. We should just leave it out. They know exactly that we are better off than they are but they do not feel jealous over it. I know the implications will be that the other part will feel that Kenya has become a stumbling block, feel that Kenya has become a small people that we Kenya feels that we are so small people that we are much more underdeveloped, although that

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would consider how it would be best applied to meet our people's needs.

Now, Mr. Deputy Speaker, I do not want to take up the time of our people, but I would appeal to everybody here. I know that at the present moment I am in charge of Africanization, and it has already been laid down here very well indeed. You will find that if this Paper is adopted, I am sure it will effect the changes in the Africanization as quickly as possible, and that Africanization will not only be confined to one sector. The economic sector is where we want many of our people to be in positions of responsibility, in the economic field. We will need more Africanization in the economic field, and we will also need the changes of what it means all over the country. There are so many names in the Najrobi streets which are not yet Africanized. We must do something about it. Everything must be black, our own feelings, our own way of life. At the present moment, Mr. Deputy Speaker, I must warn many of our Members that now it is time that we should try to tell them what we want to them to know, to get what is called mental independence. Many of our people are slaves in their own minds. They do not have the necessary exercise which makes them decide what is right and what is not right, and they try to use their memory of what their minds have told them.

Mr. Deputy Speaker, as I said, I will not waste much time of our people who want to speak who want to contribute very valuable points, and therefore, I beg to support.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I will not take up much time of the other Members, but I would like to introduce these amendments to the Sessional Paper as long as the rule is left open for any additional amendments, and any deletions can be made, and I am very happy that the Government accommodated that.

One thing I would like to say at the outset—unfortunately the Minister left—is that it is basically wrong that some people think that others will not think. This misconception of things is one which brings confusion in our own contribution. One thing which is very clear, no doubt, is that our Father of the Nation made a speech on the Kanu Manifesto before we attained internal self-government and in one place he said that Kenya will be a socialist state. He said this in no uncertain terms, social-wise, because political freedom and equality before the law are not enough. Our people have the right to be free from economic exploitation and social inequality. These are the words of our Father of the Nation.

Now, if we look at the document as it is, there is so much trying to avoid commitment. The Government must commit itself in this document as based on this statement of the Father of our Nation, who is apparently the President of our country.

The Minister for Economic Planning and Development (Mr. Mboya): Not apparently.

Mr. Gichoya: He is the President of Kenya, and it so happens that the party which is now functioning in the headquarters is still the President, and the Secretary-General is here, and is the main responsible for its functions. However, Kanu exists, as long as the people who made Kanu are existing and leading Kanu as a party.

This document says that we are trying to create something of African origin. I agree. We must be creating, but the question is whether there are any changes in the African culture. It is the party as a matter of fact, we never had education. Now, an educated girl and uneducated girl, even if both from the same family, from the same parents, are different. One goes to a high school, and then on to university level, and the other does not even go to a primary school, so they are not at the same standard in human values, although they are human beings. They may be of the same age, perhaps the same family but when you analyse the quality of each you find that the one who is educated has something more to add to our development than the other one. So, that is a change in our cultural life.

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

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

Now, in those days everything was on a communal basis. Communal ownership of property, the communal way of life, has already been changed. There has been a radical change, there is already individualism in this country, and these things must be accepted that they are in existence. There is no question of saying that because my father used to have ten wives, the modern community allow Gichoya to have also ten or twenty wives. Morally, in terms of the Africa way of life it is not wrong, but I have said that way of life it has changed. A Christian the African way of life has changed. A true Christian would never have more than one wife. A true Christian would never have more than one wife.

The Minister for Local Government (Mr. Sagin): You are right.

Mr. Gichoya: I am happy that the Minister for Local Government has said that I am right. We have already seen a change in this African society, that life has changed.

Now, with all these changes which have taken place in the minds of the people—in the past it was very difficult for somebody to move from one place to another because communications were so slow and it used to take years and years. Now, this is being taken into consideration. We have to modify our African socialism. It is true that in actual fact socialism started in Africa, and today you can see socialism in its true perspective in Masailand, where there is communal ownership of property, living in *manyattas* which are sort of villages. This shows exactly the communal ownership of responsibility in Masailand where it does exist, but it is not so all over the country. Following the customs of a clan daughter of Mr. X was a daughter of a clan daughter of Mr. Y, and the conditions were taking place when marriage considerations were being taken. She was then the communal responsibility, but who came today who goes to get a wife from Mr. X's family? There is now individualism, and also no question of one trying to avoid the company of others. A rich man wants to remain separate, but a poor man would like to have company. That is the difference. But, if these things are in existence, why then do we rule out the modification of the African society to match up with the modern society. We cannot completely close our eyes and say that we must go back to the Stone Age where customs were taken in a communal way. We have to accept the changes, but these changes must be modern, in such a way that the greater role in our activities is directed to the common good. Consequently, the man who is a custodian of the people's welfare has great responsibility. In the past, we never had such a thing. It was just a few years back that Africans came into the Parliament, used to have tribes and circles of communities, and lived under one authority, that was the British authority. But, now we have created Kenya into a nation with economic conditions, because what is in my own district definitely cannot be equated with what is in the Turkana District. So, these things are being taken into consideration.

We feel that the first thing is that the African socialism, which is the Kenya socialism, as a matter of fact—in Africa, the Arabs are part and parcel of the African continent, and we accept that Africans are not of the same clan and same tribe. They differ from one place to another. An African in East Africa is quite different from an African in South Africa, as an African in Kenya is apparently different to one in Uganda.

In Uganda there is feudal society, and a good example is the Uganda Kingdom, and also Ethiopia, where there is a naked form of feudal society in a modern age. So, of course, we are very friendly with Ethiopia.

The Minister for Information, Broadcasting and Tourism (Mr. Achiong-Onoko): On a point of order, Sir, I think that remark made is very unfortunate when the hon. Member refers to Ethiopia as a friendly country.

The Speaker (Mr. Slade): I am afraid I did not hear the remark.

Mr. Gichoya: Mr. Speaker, I was just stating that feudalism exists in Ethiopia as well.

The Speaker (Mr. Slade): As long as it is not considered offensive, it is all right.

Mr. Gichoya: Mr. Speaker, Sir, in order to allow other people to speak on this, I have decided that instead of waiting in opposition, we should commit our Government in trying to explain what we understand by African socialism. There is no socialism for the Africans, and there is no socialism for the Arabs. There can never be socialism of the Europeans or Asians for that matter. The difference between socialism in one country and another is based on the circumstances, and how it comes about. In Tanzania, we have Zanzibar, which now calls itself a socialist state. Zanzibar has achieved its own socialism through revolution, and we could even quote other socialisms wherever they exist. But, here in Kenya we have decided, through democratic process of— Of course, Zanzibar achieved their independence democratically, because the majority of the people revolted against the minority authority that existed. So, Zanzibar achieved independence through democratic means.

Now, Mr. Speaker, when we talk of socialism, our socialism is African socialism. Our Father of the Nation did define it, but what is given in this Sessional Paper is the quotation of other parts of the Kenyan Manifesto, but not the real things expressed by the Father of the Nation. Consequently, I am compelled to feel that in order to make this Paper complete, the Sessional Paper No. 10, a new definition must be given. Let us change the introduction, and the new amendment that is here, on the African socialism, and its that application to planning in Kenya, should be that

WHEREAS the African people of Kenya in the spirit of *Harambee* wish to conserve what is good in the African culture, political and economic institutions, recognize the radical changes within and outside Kenya and accept that the sum total of changed cultural approach,

[The Assistant Minister for Economic Planning and Development]

question of any conflict with the Government or the industry should be eliminated. But we are not deceiving the workers. Mr. Deputy Speaker, we realize as a Government that it is the purpose or the duty of the Government to take action to protect the rights of workers with regard to rents, wages, these various things they have to face and all the others. This Government has started to take that action. We have just passed the Rent Bill in this House, many more will be passed very soon and this is the way I see our co-operation growing. Mr. Deputy Speaker I want to say only few words on why we call our socialism "African socialism". Many people try to read very many peculiar meanings into it. I do not know why. Mr. Speaker, any hon. Member here thinks that Africa has to import socialism or democracy from other countries. We do not have to import. Mr. Deputy Speaker, and we know that the Masai here could teach socialism to anybody in the world. They do not have to import it. Mr. Speaker we know—

Mr. Kamureni: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Assistant Minister to call me Masai when I am not a Masai.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy Speaker, I do not know why the hon. Member is scared to be identified with gallant people such as Masai, handsome, beautiful, well-built people. There should be nothing but pride in being associated with the Masai.

Mr. Speaker, let me explain why we have called our socialism African socialism. It is because socialism is indigenous to the African socialist system.

The word does not matter, we did not speak English so we did not call it socialism. But there are African words for it. Mr. Deputy Speaker, Sir, which are indigenous, it does not have to be fought. We call it African secondly. Mr. Deputy Speaker, Sir, because we here in Africa today have to assert the identity and personality of Africa. There is no reason why we should not do so, that is indeed why we are independent, that is why we fought for it. We have, Mr. Deputy Speaker, Sir, achieved that for which we fought and we hope for progress in that kind of socialism that applies to our own conditions in Africa. We are not trying to export it to other people. There are three good fundamental reasons. Mr. Deputy Speaker, Sir, I do not know why anybody should not accept the term African.

I would like to emphasize, in finishing, Mr. Deputy Speaker, one point. Some people have spoken here, as when this Paper is passed, it will then be left to the Government to execute, which will then be left to the Government to do X, Y and Z. Let us face it, Mr. Deputy Speaker, Sir, that there can be no socialism unless we are prepared to sacrifice for it. I think we should be clear. We should not try to deceive our people that socialism will bring them things from Heaven easily. Every single person in this country if we are to have socialism, must be prepared to sacrifice. I mean sacrifice in the sense that we must be prepared to work hard and to save and to invest. If we are not prepared to do it voluntarily, this Paper has declared that this State is entitled to enforce people to work, to enforce savings, to enforce people and even the Members of Parliament to pull their weight.

Mr. Speaker, Sir, we have been told that there will be no socialism until all the means of production are owned by the State. Mr. Speaker, Sir, what we have, and it is the recommendation No. 3, which the Members must read. We have made it quite clear that we recognize that there can be no socialist system unless a very large sector of this economy is publicly owned or owned by co-operatives and therefore directed for the public good. This, we must accept. We cannot just pass a document like this and deceive our people. This development can take place without a large sector of our economy being owned by the State. That would be a lie. We would have to find another term for it. It would not be socialism. Socialism requires that a large sector of the economy is owned by the State, for the State to be able to direct the whole. What we reject, Mr. Deputy Speaker, Sir, is the Marxist contention that you can only have socialism when the whole and complete means of production of the whole country are owned by the State. We think that that way lies dictatorship and also tyranny.

Mr. Deputy Speaker, Sir, with these few words I commend very much that the Members should begin now to think of the implications and to be hard sacrifice, the hard things which they will be called upon to do by this Government in order to implement this Paper. Thank you, Mr. Deputy Speaker.

The Vice-President (Mr. Odunga): Mr. Deputy Speaker, Sir: I will not actually take much time of the hon. Members, but I would just like to make, I think, a more or less general statement on this particular Paper, because I am sure that the House would like to hear what I say on this African socialism. Mr. Deputy Speaker, Sir, I call myself a very happy man indeed and I think that

[The Vice-President]

all the documents which have been produced ever since Kenya attained independence, this particular White Paper is a very important and a very historical Paper indeed. I am sure that this Paper is going to help us in our struggle towards the achievement of the economic goals. Mr. Deputy Speaker, Sir, I do not want to labour too much on many of the aspects of the Paper, but only to give our people one thing, that we must know that when we achieved the physical independence, when we actually had the physical power to get our independence, we did it with all our force, but you must know that when we achieved independence we had still to struggle for economic independence. We have inherited a system of economics set up in this country which is not of our own making. As such I want everybody to understand the way we were brought up in our education was not actually our own creation. It was created by somebody who was on top and who wanted to give us the necessary education which would go to make up for the economic system which we have in this country, and also the atmosphere in all fields was also directed and channelled in that way. Many of us, during the British colonial system in this country, and as such you must know that in our own minds it is never appreciated in our minds were channelled in such a way as our outlook in life was channelled in such a way that it only suited the Government which was in existence. Therefore, if you find that we are groping for the truth at the present moment, I do not think that anybody would blame anybody.

This document is one of those results of that groping. Mr. Deputy Speaker, Sir, now that we have laid the foundation, the foundation of what we know as African socialism. We have only laid the foundation, and as the last speaker put it very well, he put it that, if anybody challenges the Government that it is the duty of only the Government that it implements what we call African socialism in this Paper, then I think that it is doing a great disservice to this country. It is therefore needs the joint effort of everybody to see that what we have put down in this Paper is implemented, and in spite of everything that it is understood by all of the people everywhere. They must understand what has been put down here. When they have understood it, then we must actually try to channel also their minds to follow it.

Mr. Deputy Speaker, Sir, at the present moment many people talk of what we call non-alignment. We have declared that we are non-aligned. That our Government is non-aligned. But, it is not

because we state that we are non-aligned, and our policy is non-alignment, it does not make him non-aligned. You must try to achieve that non-alignment. We have actually to work for it. It is a policy which we have laid down. At the present moment, we have found ourselves economically in the capitalist camp.

We rise to this challenge. We are certain that we are right while we are changing the capitalist structure. I must make it very clear, Mr. Deputy Speaker, Sir, that I am one of the most unlucky people who has actually struggled in the difficulties raised in this land, because first of all I was a teacher at a mission school, then later on a teacher in a Government school, then I was kicked out and had suddenly to go and make my way in business and then after business I have also struggled in politics, and I understand all our problems from the very roots where they begin, and I will tell the people that the system we have pursued in the economic field for some time has been capitalist, and that is what we have here. I may say that we are non-aligned, but we are not non-aligned yet. We are still swimming in the capitalist world, and that is why you find some Africans who understand it, and when you say that you come from the same part then you think that they are going communist.

Mr. Deputy Speaker, Sir, for the last 30 years or so, our minds our bodies and all our actions have been bent to one side and now we want to try to move to the centre and to do so it would appear to the hon. Members that if we are pulled to the West then in order that we may pull to the centre then it actually appears as though we are going to the East. By the time we have altered our economic structure, to a socialist one, then we can call ourselves non-aligned, but not before that. This is what should be understood and this is what is wanted here, that we should not misinform our people. We must try to get that way, which is called our own independent way. I am not, Mr. Deputy Speaker, even a student, I cannot claim to be a student of Marx, like my friend the Assistant Minister for Economic Planning. I am not a student of Karl Marx, I do not know him, but one thing which I do know is that I can judge what the Africans need. I will always know what they require, and then I try to apply my own judgment, and when I have applied it, I stand by it.

Mr. Deputy Speaker, I did not go very far in my school days, as many hon. Members did, but also at the same time, I did not lose my head over anything which was told to me by some of the people who have helped us to go to school, and when they explained their ideas to me, I

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Mr. Speaker, we have been arguing in the past, before this Paper was written, as if socialism by itself was an end in itself, as if it was a system we could pluck from some tree and apply to our own country. Mr. Speaker, we need to be quite clear that socialism or any other ism, any economic system, any social system, is a means to the good life, a means to happiness, to prosperity, to abundance for the people. So, Mr. Speaker, in reading this Paper, Members should know that we who, in Government, dealt with the drafting of it, are interested in the living people of Kenya, not with dogma, not whether or not somebody who wrote a doctrine was right or wrong. Socialism, Mr. Speaker, is, in fact, a method. It was, indeed, called so by Karl Marx, by Engels, by the founders of socialism, and here, of course, I would like to make it quite clear that in writing this Paper, the Government was not arguing or trying to justify whether or not Marx or Engels or Lenin or Mao-Tse-Tsung or anyone else was right or wrong. The purpose of the Paper, Mr. Speaker, is to state what we want in Kenya and to state it positively, not in the form of an argument with other people who may have other ideas. We have, in fact, conceded—and this is an important point, Mr. Speaker—that socialism was founded in the nineteenth century and one of the greatest founders—and we must pay tribute to him—was Karl Marx. What we have said in this Paper, Mr. Speaker, is that Marx was the founder of proper socialism, as distinct from the utopian nonsense that was being written before him, and we must give this scholar credit where it is due; there is no question of our evading history.

What we are doing in this Paper, Mr. Speaker, much as anyone may want today to follow the method of Marx, is to accept that the recommendations Marx gave for the transformation of society into a socialist system were suited to the society for which he wrote. When he wrote his Communist Manifesto in 1848—or was it at the end of 1847—he wrote it for the Communist Party at that time, to be the framework for a programme. What we have done now, Mr. Speaker, is to try and write a manifesto to deal with the problems which face us now.

Mr. Speaker, let us be quite clear. Some Members have stood up here and suggested that we are doing a very dangerous thing. I do not know why some Members are alarmed. Mr. Speaker, Sir, in the technological field, in the scientific field, we borrow from those who have advanced before us, but we have to experiment in the conditions of Africa. This farmer here, Mr.

Speaker, will know that he experiments with foreign seeds to see if they will grow in his own soil. Mr. Speaker, if in the field of science we are prepared to experiment, we are prepared to devise a seed that will grow properly and have a high yield in the soil of Kenya, why then are we quarrelling about Karl Marx' dogma? If there is any truth that still endures in what Marx wrote, for heaven's sake let us accept it. If what he wrote has become outmoded, let us say so. This, Mr. Speaker, is where I want to stress very seriously that some Members stood up and said that certain paragraphs in this pamphlet, which referred to Marx, were correct but should not be said, because we are going to embarrass some people. Now, Mr. Speaker, if we in this House are going to speak only so as to avoid embarrassing other people, we should not be in this House. Mr. Speaker, we must be prepared to tell the truth, to speak it out, now, even if Mount Kenya is to melt into water.

Mr. Speaker, we have been accused here of deviationism—these, of course, are Marxist or Leninist terms that we have derived from what Marx called "scientific socialism". Mr. Speaker, why did Marx call his socialism scientific? Because, Mr. Speaker, he wanted to distinguish it from the wishful daydreaming that was going on at that time. He wanted to base it on observation, observable facts and on historical facts. He wanted to analyse the situation as it was then and arrive at conclusions based on facts, as distinct from the socialism which he described as utopianism. Now we have some people here who want to go on with utopianism, but to cover up all they want to call themselves scientific. I think, Mr. Speaker, if we really believed in ghosts, we would have to visit these people from his grave, in Highgate, because they really are, to say the least, doing the greatest disservice—in fact, it is a dishonour—to that scholarly person who did not believe in wishful thinking, who, Mr. Speaker, spent hours and hours analysing, studying every concept before he could put it forward as a fact. I hope the hon. Members have read the proposed amendments on the Order Paper. Mr. Speaker, I am not saying I am the defender of Marx, but as a great scholar who believed in truth, we should be careful of people who have borrowed his own term and are now using them as a slogan, peddling them around to cover their own other motives, which they are too scared to speak out.

Mr. Speaker, the time has come for us to recognize here the meaning of self-determination, the meaning of self-government. I think, Mr. Speaker, the meaning of self-government to us now is that we should be prepared to evolve as

[The Assistant Minister for Economic Planning and Development]

which suits our country. We should be prepared to do so. If, Mr. Speaker, we cannot, if we must continue to borrow from other cultures, if we must continue to look for copies, for models from other countries, it will prove one thing: that we are incapable of self-government.

Now, Mr. Speaker, we have the greatest faith in the people of Kenya and in the Government of Kenya and we are not going to be misled over that kind of question. Mr. Speaker, we have been told here that some people still stick to scientific socialism, but let us examine whether or not they have rejected it. Those same people who speak about scientific socialism today, Mr. Speaker, will tell you that we should have the mass party organization in Kenya, that means they have rejected one of the cardinal principles of Marx, because Marx did not believe in a mass party organization. He insisted, Mr. Speaker, that it required a small *élite* revolutionary party which would, on behalf of the proletariat, organize a revolution. Now, Mr. Speaker, we have not heard one single Member here say that he does not believe in Kattu as a mass party, that he wants to reduce it to a small revolutionary group of a handful of people and leave the other people outside, so that he may act on their behalf. Why do they not speak up, Mr. Speaker? Why do they not say so if they objectively believe in Marxism and scientific socialism, why do they avoid that one?

Mr. Speaker, the other central teaching and recommendation of Karl Marx was that we should have a revolution, that you could not have the transformation in the society which was required without a violent revolutionary *élite* party, and led by this little revolutionary *élite* party. Mr. Speaker, why has nobody stood up here and said that he does not believe that we can have a social transformation through peaceful means? Why have they not said that if they really do believe in Marx? Why have they not said that Marx on two of the most essential issues, *élite* and revolution, they have borrowed the slogans terms? Because they have borrowed these from great nations which have appropriated these slogans for the purposes of politics in the world.

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

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

Mr. Deputy Speaker, what we have said here is that the instrument that shall guide us and shall be our vade-mecum and the means to the

social revolution will be the mass political party. We have insisted, Mr. Deputy Speaker that in this country the social revolution we want can be carried out by democratic means; which means, Mr. Speaker, we have faith that this House, elected by the workers and peasants of the country, will, in fact, through legislation, transform this society to a socialist system. I believe therefore, Mr. Deputy Speaker, this is the real meaning of the word "Democratic" in our definition of African socialism, that we believe in democratic means in legislation action by the representatives of workers. Some people here speak as if they were elected by some capitalist groups. They should be ashamed, Mr. Deputy Speaker. All these Members here were elected by the peasants and farmers or by workers. This is a point, Mr. Deputy Speaker, I want to emphasize, if my hon. friends near me will permit, that in this country the new story which is being peddled around, that there is daily conflict between the Government and workers, is really a red herring. It is an attempt to disorganize the country, because how, Mr. Deputy Speaker, can there be a difference between us? Kattu is a mass party and these people were elected through Kattu. The workers' organizations, Mr. Deputy Speaker, represent exactly the same people as we represent and let us face it, if this nation is to go forward, there is no question of conflict between the workers' and farmers' organization on one hand, and the other Government on the other hand. I view these two organizations, Mr. Deputy Speaker, as the two legs which are the carriers of this nation to prosperity. There is no question of whether or not they will co-operate, of whether or not they should co-operate. These questions are irrelevant because if the body politic is to move to prosperity, the two legs must certainly co-operate. If they do not co-operate, there will be no progress and therefore these questions that I have been put to us are entirely irrelevant. I think we ought to be doing to the workers organization and it is stated in the new manifesto, that Mr. Deputy Speaker, that in a socialist system the workers' interest cannot be limited merely to fighting for a wage. Their interest must be broader, much broader, and we must get the trade union organizations to participate in the planning and development and implementation of the development in the country. We must get them into the co-operatives, we must get them into advisory committees, we must get them into joint industrial committees, so that they participate at all stages of development so that the

[The Assistant Minister for Home Affairs] solutions will not do, long-term solutions must be the answer. How do we get to this? I welcome that part of the Paper which talks about making the growth of the productive assets in this country first and foremost a priority. After producing, then we plough back as quickly as possible all that we get in order to combat the three remaining enemies.

Mr. Speaker, we know that a lot has been said, both in this House and outside this House. Some people advocate nationalization. I understand that Government has not turned a deaf ear to nationalization. This little booklet, Sir, talks about the pros and cons of nationalization. It explains how to nationalize, and section 119 is an example of the beginning of nationalization, of an effective form of nationalization, and help the country. Section 15 talks about flexibility of the application of this Paper. It is not an end in itself. It is the beginning of the end; and we hope that applied in this spirit, we will be able to get along successfully.

Mr. Speaker, Sir, what seems to be the difference between us here is the method of achieving our goal: the goal of getting maximum prosperity and contentment to our people, and the road to this goal has been marred by illusions. There are those people who think that socialism, as applied in the West, is the most ideal form of socialism, and there are those who think that socialism as applied in the East is the most ideal. But, surely the answer, Mr. Speaker, must be first and foremost to put Kenya first, and then we look for the contentment in this country, and the societies that will be served by us as elected Members.

Therefore, Sir, all of us have something to contribute towards this. We must adopt the policy of give and take. Social obligations and social responsibilities rest on us. There is no use standing here and accusing somebody as a communist. It is my contention, Sir, that there is no communist in this country, but there is a danger of some people being used as tools of communism. I also believe, Sir, that there is no African capitalist in this country, but there is danger of some people being used as agents of capitalism. The more we talk about capitalism and communism in this country, the more we set our people's minds wondering which way we are going. I would say that this Paper on African socialism should be passed today so that we can go and practice it and preach it to our people.

Here, Mr. Speaker, every one of us must accept that we must give what we have to others who do not have it.

The Assistant Minister for Education (Mr. Mutiso): Can we do that?

The Assistant Minister for Home Affairs (Mr. Nyagah): I am asked by the Assistant Minister for Education whether we can do that. I am sure we can. He is an educated man and he can give his education to the uneducated, and to the less educated. We must give health opportunities to those who do not have them. We must give food, clothes and shelter to those who do not have them: the hungry and the needy; by producing, more, and encouraging growth of productive assets in this country. Priorities must be placed so as to encourage this. This is an indication of what we can do now, tomorrow or the following day, because if we rely on foreigners all the time to give us money to build our schools, our hospitals, our roads, and what have you, we will never get anywhere as fast as we would like.

Mr. Speaker, I notice that in the Paper there is an analogy of the working mechanism of the body would be relevant and appropriate here. In this country we have sections of people who are very poor, and others who are relatively rich. There are people in our country who are educated and some who are not educated. There are people in our country of varying degrees of wealth, but if all these people were to work in the spirit of *Harambe* towards building Kenya; just as the eyes, ears and nose serve the body, we shall have a prosperous Kenya: not a prosperous East or West.

Again, Mr. Speaker, another analogy which is of an African origin, is that of a hyena. A hungry hyena once came across blood tracks on two diverging paths, but the hyena did not know which path to follow, so he decided to follow the path that led to the East, and at the same time to follow the path that went to the West. Then he decided to follow both at the same time. What we are told, by this analogy, is that the little hyena split into two. If we are going to follow both the East and the West here at the same time we will have to split into two. What a disastrous thing that would be, Mr. Speaker! The example of the parallelogram, of two equal lines is relevant: take the middle, (the diagonal line) and you will get to the point that you want with good results.

Mr. Speaker, Sir, the booklet does three things. First, it gives the analysis and points out the magnitude of the situation of the problem before us. Secondly, it gives the critical exposition of the problem, and thirdly it suggests solutions in the last chapter.

Pages 50 to 56 give the policy considerations. Somebody asks me, Mr. Speaker, why do I repeat

[The Assistant Minister for Home Affairs] the word "suggest"? It is because some Members here have been afraid that the Government is steam-rolling this Paper. These are suggestions, they are not absolute truths in themselves. I do not know what you call it in English, but it is a kind of framework, it is a plan on which to build. The Paper points out the pitfalls through-out, the advantages and disadvantages of nationalization, advantages and disadvantages of the present land tenure system.

I am particularly interested, Mr. Speaker, where the Paper talks about the political reasons for settling people in the formerly European-owned land. That was mere political expediency. Some of that land we think is first class in the Highlands is actually poorer than the land which that occupied in Embu, Meru or Kisii; for Mr. Matter, or Masai, how useful it would be, Mr. Speaker, if we had proper national land tenure in this country which would make sure that every piece of land in this country capable of producing is used to the benefit of this nation.

Mr. Speaker, this Paper again points out the advantages and disadvantages of social services being given on a large scale today. The limitation being given on a large scale today, and we hear that there are about 800 doctors in this country and only fifty of them are Africans. We hear of teachers in secondary schools and only a small number of them are Africans. We hear of African teachers in the teacher-training colleges, and only a few are of indigenous origin.

Planning is also mentioned. If we keep on establishing a *Harambe* school there, a *Harambe* hospital here, a *Harambe* something there, without co-ordinated planning, there is a danger of a lopsided growth in this country, and therefore the Paper points out the advantages and disadvantages. We hear, therefore, should we condemn the Paper, Mr. Speaker, if it is only a signpost and a landmark along the path towards Kenya's African socialism?

I commend, Mr. Speaker, Sir, that publicity and action on this Paper must be our paramount priority, in meetings, through the radio, through the Press, through the television, and every medium that we can use to give publicity on this to our people. The divergence of opinion must end, let the two roads converge, East and West, to form Kenya's African socialism. Mr. Speaker, we know that Kenya is in Africa, it is not in the "East", it is not in the "West". We know that climate is most ideal. Mr. Speaker, even when the foreigners came here, the first thing they did was to label Kenya as "the land of sunshine". A

special characteristic of our country is going to be Kenya, the originator and founder of the proper African socialism. Let us put ourselves last and Kenya first. If we apply ourselves wholly, sincerely and with a common purpose, we shall succeed. We joined ourselves together, Mr. Speaker, in those days when it was impossible to have black faces in this House, regardless of tribe, regardless of differences of opinion, and we achieved independence. I see no reason why we should not get our independence from disease, from poverty, from lack and limitation of educational opportunities, if we are united in the same kind of faith and purpose as we had in those days. If we apply this Paper's suggestions with sincerity and vigour, I am sure, Mr. Speaker, we shall succeed.

I do not want to spend very long talking about this Paper, but before I stop, Mr. Speaker, I would like to recommend very, very strongly to the Members that they read section 142. This section has about three-score suggestions, an inexhaustible list of what we can do. Pages 50 to 56 outline the whole book and to me it is a directory that no one should miss in achieving the goal towards which we are heading.

Mr. Speaker, I think the Paper has covered nearly every point that has been expressed here. All the fears that have been expressed, all the speculation on land, the Government accepts, it is all here, it is only a question of timing, European-owned land, African-owned land, the form of tenure, the welfare service and Africanization, all of them that have been causing anxiety to people here have been covered in this Paper.

I will end, Mr. Speaker, by saying, let us stop, from now on, in our public meetings and in the Press, describing ourselves as the people who know better than the masses want, and those others do not know, that is a lie. We all know, Mr. Speaker, that it is how we came to this House. Let us stop, Mr. Speaker, saying that so-and-so is a communist, so-and-so is a capitalist. Let us talk of ourselves as Kenyan first and others with their agencies last.

With these remarks, Mr. Speaker, I beg to support the Paper.

The Assistant Minister for Economic Planning and Development (Mr. Kibiki): Mr. Speaker, Sir, will be very brief because most of the arguments that needed to be put forward have in fact, been put forward. However, I think there is a need for us, in the closing stages of this debate, to make sure we do not lose our sense of perspective.

[The Assistant Minister for Labour and Social Services] society should contribute his best to the common good of the society and alternatively that the society should also help the members of the society to realize their best selves.

Mr. Speaker, Sir, this is what we had in the African society and, therefore, the basic tenets of socialism are applicable to our society, Sir, there is also what we call African socialism because believing in these basic tenets of socialism we Africans want to apply them under our own special African circumstances and the circumstance I am talking about are these: Mr. Speaker, Sir, Africa is different from Europe or America, because Africa has undergone and is still undergoing colonial rule, and so when we accept the basic tenets of socialism we want to apply them under circumstances which exist in Africa and nowhere else. Sir, because we have been under colonial rule and some parts of Africa still are under colonial rule, we have a perspective of life which you do not find in Europe and in America or in the Soviet Union. Mr. Speaker, Sir, because we have been under colonial rule we Africans need to have the same feeling that we are like birds which have just suffered from a flash of lightning. We want to get rid of that situation which we have just been under. This is one of the distinguishing marks between African socialism and other kinds of socialism.

Mr. Speaker, Sir, I would like also to mention that communism is different from socialism. Mr. Speaker, Sir, there is such a marked difference between communism and socialism that we must not confuse ourselves any more on this matter. Whereas the basic tenets of socialism are that we are an organic whole and we must help each other, we must work in a complementary way. The basic tenets of communism are these. These basic tenets of communism were passed and enunciated by Karl Marx and his men. Mr. Speaker, Sir, I personally think that Karl Marx was a crank, a people may disagree, but I think he was a psychological case. Mr. Speaker, Sir, Karl Marx announced that the basic truth of every society is that there is an incipient conflict between slaves and their masters, conflict between the workers and their employers and so on, and that every state resolves itself. Through conflict and violence there will only be an end when workers unite to overthrow their oppressors. Mr. Speaker, Sir, there must be some truth in this, and I think that history bears a lot of evidence to this effect, but in Africa, among ourselves, before the Europeans came, I do not think we had all this conflict that Karl Marx talked about.

So, Mr. Speaker, Sir, if we want to go back to our own tradition and to build on our own tradition we must reject the basic tenets of communism. They do not apply here.

Mr. Speaker, Sir, this is why I agree that there is such a thing as African socialism. This is why I disagree with those people who say and advocate that we should call this scientific African socialism, because scientific socialism means the same thing as communism. Mr. Speaker, Sir, some people say that the type of African socialism which we are advocating here will not facilitate African unity. I disagree with this, because all over Africa we feel the same. We want to arise from the old stage of colonial domination to a new state. All over Africa we realize that we are technically backward. We are behind Europe. We are behind America, and we are behind a lot of other countries, and these are the things which unite us into a strong Pan-African force, and it is these feelings which we want to build into African socialism to help us to build a new Africa. So, Mr. Speaker, Sir, what is contained in this Paper, contrary to what some speakers have said, is going to unite us.

Mr. Speaker, Sir, the implications of socialism as I have just outlined it, is that because we are complementary we must work together. The implications of this Paper, if I may say so, are that we are going to cultivate unity, and we are going to cultivate unity in Kenya deliberately. Mr. Speaker, Sir, the other implication is that we are going to work so that we create opportunities for ourselves, because we believe in socialism which means that we believe in equality which also means that we are going to co-operate as members of one society to build a new society.

Another implication, Mr. Speaker, Sir, is that we are going to plan the economy of this country. We have to plan because it is only through planning that we can create opportunities for our people. It is only through planning that we can help the less fortunate members of our society, and I think that all is contained in this Paper.

Mr. Speaker, Sir, I would like to point out one or two things which I think have not been given proper attention in the Paper. In the Paper all the techniques of the fiscal and monetary policy have been outlined, and I agree that the tax structure in this country must be changed under the new policy of this country, it must be changed to help us to raise the necessary revenue to effect speedier development. But, Sir, all these fiscal policies and monetary policies outlined here will not be so effective without a Central Bank. Now, Sir, this is one thing which we must

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think seriously about, because without a Central Bank and without the Government acquiring authority to control the inflow and outflow of money we are likely to suffer. I think some serious thought must be given to that.

Mr. Speaker, Sir, there is also the question of employment. At the moment one of the greatest problems which we are facing in this country is unemployment. Mr. Speaker, Sir, unemployment is serious because when so many people are unemployed it means that they go without food. It means that their families are suffering and they, themselves, are suffering morally and otherwise. Mr. Speaker, Sir, I think that in this Paper unemployment should have been given a lot of priority, and I would like employment to be given that priority.

Mr. Speaker, Sir, on the question of nationalization, I think that nationalization just for the sake of nationalization without plans will not do us any good. There has to be some kind of nationalization, because there are certain important public utilities, and industries which we cannot ignore if we want to develop this country. Now, Sir, power has been mentioned, and I know for certain that if I ask the Minister for Communications today to run electricity into South Nyanza then he will ask me why, and tell me that we cannot do it and anyway we do not want electricity there because there are no industries there. But, Sir, on the other hand, no industries will grow there. We have to find a happy compromise for this. There will be certain cases where the Government will have to create certain things deliberately in order to encourage development in some parts of the country. If it is necessary to nationalize some of these industries in order to enable the Government to acquire the flexibility and the power to plan where it is needed, to take industries where they are needed, then I see nothing wrong with that.

Mr. Speaker, Sir, I hear a lot of Members complaining that I should stop but I would like to repeat only a few things.

The Speaker (Mr. Slade): We do not want anything repeated.

The Assistant Minister for Labour and Social Services (Mr. Odoro-Jow): Mr. Speaker, Sir, I want to mention that one of the political elements in our system of socialism is Pan-Africanism. I think you imagine that we as Africans want to unite, then this question of a unity of Africa must affect our economic planning. It must affect the way in which we are going to run these

things in our country. I should have liked to see in this Paper a mention of the effect of our relationships with Uganda and Tanzania, because, Sir, right now Kenya, Tanzania and Uganda are so economically linked that the moment we start planning entirely on our own without Tanzania or Uganda then our plans will run into difficulty. I should like to see this problem properly set out in this Paper.

Mr. Speaker, Sir, I would like to support.

The Speaker (Mr. Slade): Though we have not imposed on ourselves very definitely any definite limit of the time for individual speeches, I would like to remind you, Members, that we have less than two hours now before the Mover replies. I know there are many Members who have something to say in this debate, and so I would ask hon. Members to impose on themselves a voluntary limit, and make their speeches as short as they can; then I think they will be more appreciated by the House.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, while welcoming the Paper, "African Socialism and its Application to Planning in Kenya," I would like to make a few observations. First, I think it is a golden opportunity for this country to show the world that we in Kenya can at least initiate something that the world will learn from us. After all, Mr. Speaker, those people who discovered and invented things a long time ago were at one time regarded as crazy, or people who were not socially minded. Even a person who started using a modern Hebrew, the language that is spoken today in Israel, was almost an outcast, although the Paper, "African Socialism" should be accepted. So, language was later on reclaimed and accepted. So, the Paper, "African Socialism" should be accepted in Kenya, and we should hope to sell it to the rest of Africa and eventually to the rest of the world.

Mr. Speaker, Sir, I believe that this Paper is a beacon along the path of a prosperous, socialist Kenya. It is a Paper full of good landmarks along the road to socialism; and the road to socialism is not to the East, or to the West, but the road to African socialism, its application and planning in Kenya. Sir, all of us were not born with silver spoons in our mouths. We come from the ordinary working people who elected from the ordinary working things in the Kananu. We promised them certain things in our election Manifesto. We know very well that our people live in poverty, ill-health, and they have limited opportunities for education. We all know this, otherwise we would not be sitting here. We are elected on this policy, by our people. Having known this Mr. Speaker, it is our duty in this House to try and find a solution. Short-term

[The Assistant Minister for Labour and Social Services] I am sure every Member who must be passed. I am sure every Member who was in this House yesterday understood the appeals made by various speakers, that after this we do not want any more confusion, and in order to avoid this let us pass this Paper and let all of us go home knowing exactly what to say.

Mr. Speaker, Sir, I would like to support.

Mr. Kagga: Mr. Speaker, Sir, I beg to oppose this very strongly and my reasons are this. It has been said by many Members—and it is a fact—that this document is a very important one and as the hon. Member has just said, the intention of this Paper is to remove confusion, but to steamroll the Paper without amendment, that is not removing any confusion at all, but, in fact, it is adding confusion. We thought that if we had enough time to discuss this Paper and propose some amendments on it, then this would be the only way of removing this confusion.

Yesterday, when the other Motion was passed, it was passed on the understanding that Members shall have enough time today to discuss this for the whole day until we adjourn, and by the time we passed the Paper, almost every Member would have given his views and amendments, if any.

Now, Mr. Speaker, this Motion shows that only one or two Members may have the chance to speak, while there are so many Members who have been waiting to speak, and this shows that the intention is to get this Paper passed before we have given our views and before we have any time to amend it. Therefore, Mr. Speaker, I should like to point out very clearly that the Cabinet or the Minister should know that the hon. Members here have views to give, and if this Paper was given in good faith they ought to be prepared to accept our amendments and views, but not try and steamroll such an important document before we have time to discuss it and make amendments.

The Speaker (Mr. Slade): Order, order.

Mr. Kagga: I do not think these interruptions are helping us at all, Mr. Speaker, and no amount of shouting can stop me from giving my views. I will continue speaking.

Instead of wasting time, Mr. Speaker, I oppose this very strongly, and I appeal to the Government to allow the hon. Members of this House to give their views for the whole day and we can stop this Paper by the time we adjourn.

The Assistant Minister, President's Office (Mr. Nyanweya): On a point of order, Mr. Speaker, in view of the fact that this is purely a procedural Motion, could the question be put?

The Speaker (Mr. Slade): In this case I think that the Mover has the right to reply. There is no objection to putting the question of the closure now. The question is that the Mover be now called upon to reply.

(Question put and agreed to.)

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, while accepting some of the strong views expressed by some Members from the opposite benches, I consider that this is the condition we are beginning to (Inaudible) and as such if we can allow ourselves a time limit, I am sure that as many Members as possible will have to express the few points they have said therefore, without wasting the time of the House. I beg to move.

(Question put and agreed to.)

MOTION

SESSIONAL PAPER NO. 10 OF 1963/65—
AFRICAN SOCIALISM

THAT this House, having studied carefully the Sessional Paper No. 10 of 1963/65 entitled "African Socialism and its Application to Planning in Kenya", notes and adopts the said Paper as the basis and guide for future development planning and policy in Kenya.

(The Minister for Economic Planning and Development on 4th May 1965).

(Resumption of debate interrupted on 6th May 1965)

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, when the House adjourned yesterday, I was telling the House that this Motion will help us to clear the confusion that has reigned in the country. Mr. Speaker, Sir, while we have been confused practically every week by contradictory speeches, and by conflicting announcements on policy, a lot of things have been happening. While a lot of people have been paying lip service to socialism, quite a number of us have been acquiring a lot of wealth by all capitalistic means. I think there must be a stop to this.

Sir, while we have been confusing ourselves over issues which really do not affect this country, a lot of people have really been telling us things which really have no meaning at all. For example, communism has been equated with food! There could be no better example of confusion.

[The Assistant Minister for Labour and Social Services]

Mr. Speaker, Sir, that would bring no more confusion to this

(Inaudible) Sir, when we have been talking a lot, people have been promising the citizens of this country things which God, the Creator, would not promise them. Mr. Speaker, Sir, I think that this Paper is going to help us to overcome this confusion, so we

accept it and we accept that African socialism is valid for Kenya. We also reject that capitalism is not valid for Kenya and communism is definitely not valid for Kenya. Mr. Speaker, Sir, capitalism is not valid for Kenya because it is based on our theories which we have never accepted in our traditions and in the life of this country. For example, Sir, as I understand it, capitalism is based on that old outmoded, outdated theory of individualism. According to this theory, that society can realize its best self if the individuals in the society do everything or do anything they can in order to improve themselves. According to this, capitalism is that system which believes in free enterprise, that every individual should do his best in order to acquire wealth, as best as he can. Mr. Speaker, Sir, I do not believe this because I believe that people in a society are complementary. If one is rich he is only rich because the society has given him that opportunity to be rich. If one is poor, he is poor partly because of his own mistakes and also partly because the society has not given him a chance to survive and this is what I think is the basis of socialism and this is the socialism we are talking about.

Mr. Speaker, Sir, socialism, as I understand it, is based on the theory that in the society, men and women, workers and employers, those who are rich and those who are poor, are complementary, and all of them go to make the society, and if one is rich, he is rich only because the society has protected him from—

MOTION

FURTHER LIMITATION OF DEBATE

The Vice-President (Mr. Odinga): On a point of order, Mr. Speaker, having considered that it would not be fair to conclude the business of this House or to adjourn the House this morning, we should continue until next week for another two days, but it would not be that that will be a debate on the White Paper today. It will only be that there are some important Bills which need consideration next week for two days and so the Motion I beg to move an amendment to the Motion which I have just concluded, that instead of

stopping the debate at 10.30 a.m. and calling upon the Mover to reply, we should actually extend it by another hour and call the Mover to reply at 11.30 a.m. and then end the debate today at the normal time of the interruption of the business of the House. I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

The Speaker (Mr. Slade): The position, as outlined by the Vice-President, is that there will be no Motion for the Adjournment of the House today; and what he now moves is that, instead of the resolution that has just been passed—that resolution for limitation of debate be rescinded and the House now resolves that the duration of the current debate be limited so as to end not later than 12.30 p.m. today, and that the Mover be called upon to reply not later than 11.30 a.m. today.

Mr. Shikuku: Mr. Speaker, Sir, I wonder if I was elected to this Parliament by—

The Speaker (Mr. Slade): Do not waste any time, please.

Mr. Shikuku: Mr. Speaker, I think I have the right to speak in this Parliament whether some Members like it or not. Therefore, I will go ahead and say that I support this Motion very strongly, as amended, because there are so many people here who have so many views to express and I was very much hurt when I found that time was being squandered by the first resolution. As such, I support it strongly because some of us would like to give more than some of the people have already given.

With those few remarks, Mr. Speaker, I beg to support.

(Question put and agreed to.)

MOTION

SESSIONAL PAPER NO. 10 OF 1963/65: AFRICAN SOCIALISM

(Resumption of debate interrupted for Motion on limitation of debate)

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I was saying that socialism was valid for Kenya because in the basic tenets of socialism we have a lot of practices and beliefs which tally with that of our African traditions. I was saying, Sir, that our own African traditions of socialism is that the society is the basic tenet of socialism and that members of the society are organic whole and that members of the society are complementary and that every member of the

WRITTEN REPLIES TO
QUESTIONS

Question No. 1084

HOUSING FOR URBAN
AFRICANS

Mr. Godla asked the Minister for Health and Housing if the Minister would tell the House:—

- The number of Africans who had been given assistance by the Ministry to put up their own houses in various towns and municipalities in Kenya, including Nairobi.
- What the percentage the number of houses built by Africans in towns was in comparison to those built by non-Africans.

REPLY

The Minister for Health and Housing (Mr. Otiende):

(a) The Ministry does not normally lend money direct to individuals to build houses but in the following special cases the Ministry has sold houses direct to Africans on twenty-year tenant-purchase agreements: Fifty-two houses at Kibera and seventeen in the Sceptre Trust Housing Scheme for civil servants. The Ministry will shortly conclude similar agreements with the thirty families who are building self-help houses at Langata.

The Central Housing Board makes loans to local authorities to construct tenant-purchase housing estates and site and service schemes and the total of such loans for the last five years has been £310,000 for a total of 889 houses or serviced plots. Most of these houses and plots have been taken up by Africans. Precise statistics are not available but I am making inquiries of local authorities and I will pass the results to the honourable questioner if he is interested.

(b) We have no statistics of the numbers of houses built by Africans in urban areas, but from the 1962 Census figures it has been estimated that in all urban areas only 11 per cent of African households own their own homes. In Nairobi the figure was 3 per cent, in Mombasa 30 per cent, and in all other towns 6 per cent.

Question No. 2052

EYE DISEASE AMONGST THE MASAI

Mr. Ndile asked the Minister for Health and Housing if he would tell the House what steps his Ministry had taken in recent years to reduce eye diseases in Masailand.

REPLY

The Minister for Health and Housing (Mr. Otiende): During the last twenty to thirty years the Ministry of Health has been very much concerned in the eradication of eye diseases not only in Masai land but in the whole of Kenya. Drugs to prevent trachoma, the main public health problem as far as eye diseases is concerned, are available in all health centres throughout the country and from the Medical Officers of Health of the districts concerned.

There is a mobile eye clinic run by the Africa Medical and Research Foundation and the medical officer of this unit is an eye specialist. Whenever the mobile unit visits a district a report is forwarded to my Ministry which is given careful consideration by my staff. Hospital returns and statistics show that Masai land is in no worse position than any other district and that the measures for the control of eye diseases in Kajjado and Narok are exactly the same as in other districts.

Question No. 2054

ACREAGE OF COFFEE IN MACHAKOS

Mr. Ndile asked the Minister for Co-operatives and Marketing if he would tell the House whether or not, Machakos District offered more acreage for coffee co-operative societies.

REPLY

The Minister for Co-operatives and Marketing (Mr. Ngei): The coffee acreage in Machakos District, both potential and actual, are as follows

	Acre
1. Potential coffee acreage	20,000
2. Acreage under coffee	5,590
3. Acreage under co-operatives	5,590
4. Additional acreage in 1965	1,500

Question No. 2055

MACHAKOS COFFEE SOCIETIES

Mr. Ndile asked the Minister for Co-operatives and Marketing if the present coffee societies in Machakos District were running at a loss.

REPLY

The Minister for Co-operatives and Marketing (Mr. Ngei): Figures are available in respect of 1964 for six of the nine coffee societies in Machakos. Of the six, five had surplus ranging from £240 to £3,280, and the sixth having a deficit of £396. Each had an accumulated surplus for 1964, ranging from £507 to £3,020. The 1964 accounts of the other three societies are presently being prepared for 1963, two had surplus and one had a deficit.

Question No. 2077

GOVERNMENT UNEMPLOYMENT RELIEF SCHEMES

Mr. Ngala asked the Minister for Labour and Social Services if he would—

- tell the House the number of unemployment relief schemes started by Government since the 12th December 1964; and state the names of the places where such Schemes were going on; and
- give a breakdown of the numbers of job-seekers in Mombasa, Nairobi, Nakuru and Kisumu for the months of January, February and March 1965, respectively.

REPLY

The Minister for Labour and Social Services (Mr. Mwendwa):

(a) No special unemployment relief schemes have been undertaken by Government apart from the Tripartite Agreement. A statement of Government projects under the Agreement as they stood in December 1964 is attached. Those projects not fully manned or not started by December 1964 are being proceeded with and, in common with other employers, Government has undertaken to provide at least fourteen months work for each of its 8,956 quota workers and to absorb as many as possible into its permanent establishment.

Government is conscious of the wisdom of the advice given by the International Bank for reconstruction and development with regard to the danger of engaging in too many special short-term unemployment relief schemes. Government does however place some reservations on its acceptance of the advice and intends to act in

accordance with its declaration (made at a time when the hon. Member was a member of Government) in Sessional Paper No. 1 of 1963, viz:

"Unemployment is one of the most serious problems facing the Government. The Mission's arguments that short-term unemployment relief measures are unlikely to achieve the desirable results and will detract seriously from the financial resources for development, are compelling. Nevertheless, the Government also realizes that short-term considerations can have an important effect on long-range plans, and that relief of the unemployed may well be one of the factors necessary to maintain law and order, which the Mission considers so important for the promotion of economic development. In order to satisfy both the long-term and short-term needs in so far as is possible, the Government will deal with unemployment within the context of its Development Programme. A sound development project can frequently make a significant contribution to the relief of unemployment in the short term."

Government action to combat unemployment cannot be assessed accurately in terms of specific schemes. The solution of the unemployment problem lies in the general growth of the economy and Government's achievements in this regard cannot be measured over such short a period as four or five months. The hon. Member will be aware of the rise in economic activity that has taken place since Kenya became a Republic. Government has demonstrated its appreciation of the need to plan actively and continuously for the continuance of this rise by setting up of the Ministry of Economic Planning and Development which keeps the measures outlined in the Development Plan continuously adjusted and under review.

(b) In order to carry out the placing of work-seekers in employment under the Tripartite Agreement the normal operation of employment exchanges had to be modified and during the period of the Agreement, ending 8th April 1965, attendance at the Exchanges was not recorded. Normal registration of work-seekers was resumed at the beginning of May 1965, but prior to this the exchanges have been placing the work-seekers who were specially registered in March 1964. It should be mentioned here that even when the employment exchanges operate normally, they only record the number of work-seekers who voluntarily register with the exchanges—there is no method of recording the actual number of job-seekers, a large number of whom do not register themselves.

[Mr. Ngala] over, because we should return to be an academic exercise. There must be a definite guidance that during the development period, 1964/1970, this will happen. I suggest that during the development period 1964/1970, the Government should negotiate to take over electric power, to take over the tobacco companies, to take over the transport system, and to take over the breweries.

Now, this will help, and I will show you how it will help. I do not know how many bags of tobacco I have smoked since I started smoking, but I am sure I have smoked many bags of tobacco, and I am sure, Mr. Speaker, you must also have smoked quite a lot, but the point is that these people have a profit, and if they have a profit, the whole profit is not taken away by the measure of taxation. But, the taxation method takes away only a small proportion, and I am sure everybody here smokes—

An hon. Member: No, I do not.

Mr. Ngala: Well, you must have other vices!

In the public interest, during such a development plan, these major industries are going to be taken with willing negotiations of the mutual responsibility of the society. Now, this will not threaten anybody, but it would be a very sensible start. I am not suggesting wholesale nationalization, as my friend is trying to tell me. I am suggesting specific things, which are apart from nationalization. Even some capitalistic countries have helped to do this in the interest of the public, and in the interest of social development. This is what we are trying to do. Wholesale nationalization is completely uncalled for, unnecessary, unwise, and it is very uneconomic to a nation. A nation must decide what is necessary and what could be done appropriately to benefit the country. Some of the Members here have shops, which if we nationalized, would be a great burden to us, because they are running in such an embarrassing manner.

Mr. Speaker, Sir, I would like to make it quite clear that although many Members talk of capitalism, and other Members talk of communism, we would like to stop and think, and we would like to bear in mind what the policy of our own party states. Our own party states that we should stop talking about America, China, and get down to the business of non-alignment, and Kenya policy. That is what our party states. Therefore, if you tell me that I should stop calling you So-and-so, you should also stop calling me So-and-so. If you called me a capitalist, I would call you a communist in return. Therefore, both sides have to stop, and if

both sides stop, then we shall be in the Kenya path, and there would be no more quarrels and rumours to stop talks in the streets of the town.

Mr. Speaker, Sir, I would like to make it quite clear that this Paper is a good start. I support it, and I hope the suggestion that have been made will be borne in mind by the Government, and I would like to support the Motion. If I have time, I would like to continue tomorrow.

The Speaker (Mr. Slade): Mr. Ngala, you could continue a little longer today, because the clocks are five minutes fast.

Mr. Ngala: Thank you, Mr. Speaker.

Mr. Speaker, Sir, I would like to say that in African socialism there is nothing to be ashamed of, and there is no reason why our people should feel inferior for preaching African socialism. Even if we go to other countries, we find them preaching their own economic ideologies.

Therefore, there is nothing bad in our Members, all of us, going out to the country and preaching African socialism. Now, Kenya is a part of Africa, therefore, it is African socialism, but what the Members should not do is just go back to their constituencies, and say that although this Paper is passed by a majority I personally do not believe in it. If they do that, they will confuse the masses, they will confuse the population. Once something is passed here by the majority, it should become a Bible for every Member, whether we go to Kandara Constituency, Kilifi South Constituency, or Homa Bay or Teso. We do not want our Members to go out and say that this Paper was passed by the American imperialists. They think they are ruining the country, because it is passed by the people who have the mandate of the voters in Kenya by their majority, and by this Majority we pledge that the majority is the voice of the President, and voice of the requirements of the people.

With these few words, Sir, I would like to support the Government.

The Speaker (Mr. Slade): It is now close on time for the interruption of business, so I think you might as well start Mr. Odero-Jowi and continue tomorrow.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I thank you for giving me this opportunity to express my views on this Sessional Paper No. 10.

Mr. Speaker, Sir, I would like to say right from the start, that I accept the Paper, and I support it. I support the Paper, Sir, because I think the

[The Assistant Minister for Labour and Social Services]

approach in it is pragmatic enough, practical enough, and I think it is really realistic.

Mr. Speaker, I also support the Paper because in this Paper the aspirations of our people have been stated very clearly, and there is a very determined effort in this Paper to find solutions to these aspirations of our people. Sir, also inherent in this Paper is that we are going to succeed, come what may, the people of Kenya are determined to face the challenge of development, and they are so determined to do so in peace and freedom and in unity. I am sure, Mr. Speaker, this Paper is going to act as a unifying factor in this country, and I welcome it very much.

Mr. Speaker, Sir, in the first place, I think this Paper is going to help us to put and end to the confusion that is now rampant in the country.

Sir, there is so much confusion as to what African socialism is, there is confusion as to what capitalism is, and there is confusion as to what constitutes communism.

Mr. Speaker, Sir, I would like to try to define in a very humble, simple way, what I understand by capitalism, socialism and communism.

The Speaker (Mr. Slade): I think you had better do that tomorrow, as the time is up.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until tomorrow, Friday, 7th May 1965, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

[Mr. Ngala]

Paper. Now we think that all the support should not go to the high potential areas. The high potential areas should get a proportion of the investment so that they can also carry it out to the same extent. I cannot see how the poor people, how the people from the North-Eastern Region, the Turkana people will benefit, and every time they ask what is being done for them, they are told about West Secondary School. They should be given more attention and facilities, because if the Minister appreciates the need for spreading the resources and using them equally or distributing them fairly, then I think this policy should be looked into first.

Now, Mr. Speaker, Sir, I think that the other thing which has been completely left out of this Paper, or I may have overlooked it whilst I was doing my homework, is the question of clear determination of providing water for the country. Now I am sure that the Minister himself has visited Israel several times, and he has seen the clear determination which Israel has made to provide water in dry places. Today I asked a question on water, and the Assistant Minister for Natural Resources and Wildlife stood up and said that it was not economical to provide water for irrigation. Now, Mr. Speaker, Sir, I think that it is a pity. Who will make it economic? It is the Government. They should make it economic. They should put the water there and once you have put the water there then people will grow the sugar-cane, and they will grow bananas and all the other basic foodstuffs which they want, and eventually you will get the economy out of the place which is dry. This is happening in Israel, and this question of suppressing the backward, less fortunate areas in Kenya is a very unfortunate policy of the Government, and I think it should be looked into very, very strongly.

Mr. Speaker, Sir, apart from that I would like to congratulate the Minister for Agriculture for definitely taking away some of the abandoned farms and also mismanaged farms, because these abandoned farms are farms which belong to lazy farmers, farmers who are lazy and absent, and do not do anything on the land, because they have no interest. Therefore, surely their land should be taken away. We have no sympathy for such farmers, and it is not even necessary to compensate them, otherwise what will you be compensating them for? If you go to those places all you see there is grass and nothing else but this grass and bushes, and they have farmed nothing. Therefore, Mr. Speaker, Sir, I am particularly glad that he is going to take away 25,000 acres in the Coastal band. It is not sufficient but I think it is one of the good starts

which are indicated in this Paper, and I hope it will continue and even if it means that my firm is taken away then I do not mind, providing that the criteria is whether you are developing it or not. If the rains do not fall, then it is not my fault, because I had the intention to do the development. Mr. Speaker, Sir, some Members are asking me to do something about the rain. What do they think do they believe that the rain is in my hat? Therefore I would like to emphasize, Mr. Speaker, Sir, that the aspects of water and leaving out water in this Paper is a very big weakness in the Paper, because the agricultural industry here is a big one and as short of filling the bulk of the population because certain areas in Kenya have not been provided with water. Therefore I hope that the Minister will think of the seriousness of leaving out definite plans for providing water in different parts of the country. I am sure that such places as Kilifi and the Kwale hinterland, and the other places will benefit very much.

Now, Mr. Speaker, Sir, the other sad omission in the Paper is that I should think the Minister should have considered bringing down the whole country to a low wages policy. This is very important. It shows that under the section on trade unions the Minister says that the Government is understating the reviewing of the wage policy, but it is not just a question of wage. I would like the Minister to consider the reviewing of all the salaries, from the top to the bottom bearing in mind that this country cannot go on chasing the high price of goods and high salaries. What we need to do is to adopt a policy of a basic low wage and reduce the price definitely by determination to reduce the price of the basic foodstuffs or basic requirements. I admit that this can be done, because some other African countries have done it. Some European countries too have done it. Some of the deficit policy that this should be aligned to serve the country and the needs, this business of going on chasing higher salaries is a source of all the strikes which are around our pockets all the time, but, I believe that should also be considered.

Mr. Shikuku: On a point of order, Mr. Speaker, I can see the Minister concerned, with his Assistant Minister leaving the Chamber, and I was wondering who was taking this down for him?

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

Mr. Ngala: Mr. Speaker, Sir, I am not suggesting that salaries are unfairly deducted or reduced. I am not suggesting that it is right that

[Mr. Ngala]

salaries should be reduced, either. Some salaries should go up, but the main thing is that a line should be drawn in which the nation would feel relieved in certain matters.

Now, I do not know whether the Assistant Ministers and Ministers are going out because they thought I was going to propose a reduction on Ministers' salaries; but I do not intend to do that. But, Mr. Speaker, Sir, if some people get big salaries and all they eat is *posho*, and they do not even employ houseboys, house staff, why do we pay them so much?

An hon. Member: Are you including yourself?

Mr. Ngala: Of course I am including myself in this. What do you think I am doing?

Mr. Speaker, Sir, the question is that we should adopt a low wage policy, so that the people who are in hardship can benefit. We should reduce the prices of the foodstuffs, as well. When I was a schoolboy, some twenty-five years ago, I used to buy a pound of *posho* with about five cents. Now, there was nothing wrong with the *posho*, it was the same *posho* that I am eating today. Now, why has it gone up? Because you have the Chairman of the Maize Marketing Board getting a high salary, and there are many boards. This country is ruined by boards. Why do we not have only one Marketing Board and 21 its departments, so that we have only one Chairman of a Marketing Board, which means only one salary? At the moment we have twelve marketing boards, which means twelve salaries. This is where the producer and the consumer are hit hard. I was not satisfied by the defence that was made by some Ministers yesterday, when they said that some of the boards are international. Who made them international? Is it not our law? If we want to change the law, we can do so. That is what we are here for. We can change it, and instead of burdening the consumer and the producer with all these boards, I feel it is completely unnecessary, and the Government of Kenya should review the policy on marketing boards and civil boards.

Now, the Minister is not here at the moment, and this Government is well known for avoiding what perhaps is the truth, and we would like this truth to be read by the Ministers in the House, as well as their Assistant Ministers. We do not want a multiplicity of boards. We want to have one central board with departments to reduce the salaries, and we want a low wage policy to be adopted in the interests of the country, just as you can take away land in the interests of

the public. In the same manner, you should be able to agree, as a Member of Parliament, to agree that 21 out of your salary should go away in the interest of the nation.

Mr. Speaker, Sir, my next point is this question of how we should deal with the trade unions. The Government, in this Paper, has said that it intends to have one central organization of trade unions, which is a very good idea, but the Paper does not say who is going to order that this one body be in existence. If we do not, the bickering will continue. Already last week in Mombasa we had two May Days, two Labour Days. One organization had it on the 1st May, and the second one had it on the 2nd May. Therefore, the Paper should specifically say that either the Minister or the President is going to have the final say, and no more, and stop it so that there is certain power in the Paper to allow somebody to stop the nonsense of having a multiplicity of labour federation. If that is perpetuated, the economic aspect of this Paper will also be ruined by a misunderstanding.

Mr. Speaker, Sir, I would like to say very clearly that when we are thinking of what African socialism is, I think it starts with capitalism, because in African society, you begin with somebody who has something, and then it is somebody who has something who has good shared. You begin with somebody who has good, and who will come and share it with others. Now, what we must do is modify that tradition and modernize it. When we modernize it, we say it is not a question of sharing the bottles of beer that are made by the company, or produced by the company, or even the cigarettes that are made by the tobacco company, but we use some laws to enable the Government to acquire some of the production of the tobacco company, this is what this Paper is doing when it talks of controlling the productive resources. It is the same as African socialism starting with a capitalist somewhere, but in a more modern manner. This is why the Paper is called "African socialism".

Now, we must go further than that in our modern State. I believe that negotiations should be started very firmly, and very appreciative of the social responsibility. Negotiations should be started so that the Paper definitely lays down what we think we could take over under public sectors between now and 1970, to follow it with the Development Plan. If we think we should negotiate to take over the power, electric power, or the breweries for the tobacco or transport, then this Paper should definitely say that during the development period, 1964/1970, we are going to negotiate with a view to taking the aspects

[Mr. Ngala] introduced among Kenya politicians. The cold war is there because people, instead of borrowing what is feasible for their country, wish that their country adopted an American or a Chinese pattern. This is the cold war. What we want is a pattern, a hat like mine which can be worn by Kenya people. It is an indigenous hat from Kisumu, it is made of material which is local, and it is fitted to the circumstances and environment of our country.

Mr. Speaker, Sir, the Paper is our own and I am very glad that the hon. Mr. Anyieni is accepting it, although we have said very definitely that we hope to add to it sometimes. This is exactly what was said by the Minister who introduced it. He said Government has made a beginning and we shall carefully listen to the ideas that Members will give, and if these ideas are good enough, we shall take them and try to adopt them.

I think we should stop all the rumours. There are so many rumours going on. People are saying this person would like to take over the position of the other person. People are saying "Even Mr. Ngala would like to take over the Vice-Presidency from Jaramogi." These rumours must stop. We have a Paper here which does not direct us to any personality. This Paper directs us to the target of Kenya and what we should do to give the ordinary person something to fill his stomach, and also to give the ordinary child sufficient opportunity of learning well, properly in school. Therefore, rumours of this person wanting to take over the Vice-Presidency, and so on, are just useless, completely groundless talk and we must stop some people who keep on saying, "But he is a stooge of America." This also must stop. The fact that I am thinking differently from you does not qualify me—

An-hon. Member: Who are you?

Mr. Ngala: The Member for Kilifi South—because we are made differently. When I was a teacher, I used to teach different children and they were so different as Members of Parliament are. But the fact that one child is different from the other, does not mean that you call that particular child many names. He is a human being, made in that nature, and you have to tackle that human being that way. Therefore, the question of people being American stooges, Russian stooges, Chinese stooges, should also stop. As we go around our country, we should talk about this Paper, if we accept it, and we should become stooges of Kenya. Mr. Speaker, Sir, we must not be called agencies of foreign countries, as many people are in the habit even

of shouting that in this House. I can see that if they continue doing this, Mr. Speaker, you may have to deal with a very serious situation in the House, because we feel that we have fought for the country and we have every right to use our brains to direct the policy of this country, we have fought for the country, and everybody has fought for the country. Therefore, if you think differently from another person, from Kiki or from Kilifi, that is not a crime. So if you believe that you are right, you have to stick to your guns.

Mr. Speaker, Sir, even when I dissolved Kadu, I gave a pledge that I would be faithful to Kenya, I would be faithful to Mrs. Kenyatta and his Government and Knau. Now, at this stage, why I support the Government, people come and say, "You are a stooge of the Government." Such comments must stop, because I am using my brain and if I think that the Government is right, I should say so; even when I was Leader of the Opposition, I used to congratulate the Government when it was right. There was no question at all of becoming a Government stooge in any way. It is mature thought given to some other Members as complete, useful advice to them.

Of course, I know that the Manifesto cannot be perfect, there must be some weakness; I know that a Government cannot be perfect, there must be some weaknesses in policies, such as land or economic policies. But I am very glad that now the Government has brought out this Sessional Paper No. 10. In this Paper the Government is making an effort to give its opportunity to Members of this House, so that we can give our recommendations to the Government, and I hope that this Paper will not be regarded as a final document by the Minister concerned, but he will incorporate useful ideas and suggestions that Members do give here, so that the Paper becomes a real bible, as the hon. Member called it. However, if useful ideas are left out and brushed aside, I am sorry to say that you may find very strong reactions afterwards in the country. The Paper is a good practical start and can cause dynamic and revolutionary economic changes if the Government takes it some of the suggestions and also if Members of Parliament go back to their constituencies and urge their people to put it into practice.

This Paper must not be another academic exercise. It must bear some ideas that can be put into practice, in our financial year. Some Members have said that this Paper is not in any way related to the financial Budget debate. It is very strange to hear some Members saying this

[Mr. Ngala] Do they want this Paper to be an exercise of debate only and not to be implemented? If it is to be implemented, are some aspects of this Paper not going to be included in the Budget, so that they can be carried out? These Members do not seem to understand what is going on at all, because this Paper has ideas which must not be used only as an academic exercise. These ideas must be put into practice. They are not put into practice without the use of money, and because we want these ideas to be put into practice as quickly as possible, we must therefore end the debate tomorrow and allow it to go into the Budget as useful ideas to be put into practice. Any person who delays it should not tell us here some people at Mijango who have no food are some people who are trying to get ways of obtaining their food and he delays it. Any people who delay this should not tell us that there are some people who are going hungry.

Mr. Speaker, Sir, I do not intend to illustrate this but I just wanted to say that gross ignorance was reflected in the relationship between the financial Budget talk and this Paper. I think the Members who made this remark should now have understood exactly what the position is in the relationship.

Now, we must keep it up in order to release the hardship which our people are suffering from.

Mr. Speaker, Sir, I would not like to say that this Paper has a lot of ideas, but the key ideas in this Paper are reflected on page 25. Mr. Speaker, Sir, on page 25, the Minister concerned has talked of critical issues and choices. Now, this is the core of the Paper, the critical issues, and this means that we have to make a choice in this Parliament as to what person we have to follow in our African socialism. I need not define it because I think the Biblical quotations by Mr. Anyieni have done that and I do not want to go into the definition because the Paper itself, on page 16, has made the definition very, very clear apart from the Biblical quotations which were very disturbing. But the Paper must provide answers to critical issues and choices.

Firstly, Mr. Speaker, Sir, I would like to say that it is a very good idea to include in the Paper that there should be control of productive resources. Productive resources should be colonial controlled. Now I know that during the colonial days perhaps people doing business in this country did not get—I see that the Minister for Commerce and Industry is worried. I think the Ministers have had a lot of time to speak and therefore they should now give the Back-benchers a chance to speak. Mr. Speaker, Sir, therefore, it

is a very good idea that there should be control of the productive resources. This is about of making them completely perfect. I fully realize that it is a step which could enable more revenue to become available to the Government for the social needs of this country, and therefore I think it is a step which should be appreciated. In this Paper, I would like to advise the Minister concerned that the land policy chapter is not satisfactory. It is not satisfactory because I believe that because of the very strong feeling that the country has on the land policy, then I believe that a land commission should be set up in order that it may look into all the aspects and put forward to us a report which will be an Appendix to this Sessional Paper, so that Members can have a further opportunity, because I hear that Members in the countryside, when I buy a farm, they go out, when hon. Dr. Kiavo buys a farm, they go out, when hon. Mr. Too buys a farm, then they go out and they say, "Look at him, he has bought a farm. He is a capitalist." I think it is gross ignorance. They do not know what a capitalist is. A farmer, an ordinary peasant like myself, gets a permit to plough this, which I get from here but then I am left without rain and have that is nothing. Is this capitalism? I think that is not capitalism. It is nation building. When we are building the nation, Mr. Speaker, Sir, then other building the nation, Mr. Speaker, Sir, then other Members should not blame us for building the nation. What else could we do? These Members have not provided an alternative. They want us to stay in Nairobi, go on ruling in Nairobi. Do they not want us to go out to tell our constituents what is the best way to build a nation? Mr. Speaker, Sir, now, I think that some of these, very childish comments that the country is Members should now give answers to that the country is not confused. We say that this Paper will be not confused. We say that if the Members successful if people work hard. Now if the Members do not start by working hard then where are the people going to get their example from? Therefore we would like the Members to start, those Members who can own a piece of land, those Members who can own a piece of land, those Members who can own poultry or keep pigs should go out and keep pigs, provided that nobody in my constituency does not keep pigs.

Mr. Speaker, Sir, I would like the Minister to consider the question of land which he mentioned when he was moving this, and hope that it is a question which will not be overlooked at all, the question of having a land commission.

Mr. Speaker, Sir, now the agricultural policy on this Paper is very disappointing. It is disappointing in the sense that again, Mr. Speaker, Sir, it is a policy only supporting and helping the highly political areas that have been adopted by this

[Mr. Anyien]

car. I am referring now to any President, not necessarily Mzee Kenyatta. Tomorrow, it may be Odera-Jowi who is President, and if he went to the bank and asked for money, he should not be subjected to any humiliation.

Now, Mr. Speaker, I understand that in this country we have some Members who have now pledged themselves to fighting international communism. I can see that some Members are applauding me, Mr. Speaker, because they are against fighting international communism.

Now, Mr. Speaker, I thought that what we are here to fight is the normally declared enemy of our own people. My mother does not know anything about communism, and as a matter of fact, the majority of the people in our constituencies are not interested in these evils. It is not important to them. What is important to them, Sir, is that they want to have some food, they want to go to school, and they want to dress well. That is what is important. If we go and tell the people that what will give them food, education and clothes, is communism, they will go for it.

Mr. Speaker, we are not going to allow our Parliament to direct our parents from fighting for our people's interest, and to fight for the interests of any other person. It is the determination of the United States to fight international communism. We know this because it is written, and they are doing their best, and they are doing something to stop it, where they think it is coming like the Congo, where they think it is coming like Vietnam, where they think it is coming like the Dominican Republic, and they are doing everything to see that it does not go to South Africa, or even to Kenya. But, Mr. Speaker, is our problem really communism. Why do we not say that the Russians are going to fight international communism, and the Americans are going to fight international capitalism. That is their war. It is not ours. As a matter of fact, I would agree with the hon. Member who said that these embassies should close. Then everybody would be on the same track. We would be able to go to the masses. People are talking cheap propaganda.

Mr. Speaker, why are people accused of communism after they have addressed meetings? I am referring now to the hon. Vice-President who comes to a meeting, and people say that they hear he is a communist, and then he says that he has been accused of being a communist for so long, but if communism was poison he would have died. Communism is the same as giving me food. It does not harm me at all. This is very interesting, Mr. Speaker, and I hope that from today we are not going to fight American

capitalism because American capitalism is not yet in our country. The only capitalism which is here is British capitalism. We have a bit of that, because they were ruling this country, and some of them were very well entrenched and the others are probably the Indians who controlled the economy. But, Mr. Speaker, for an hon. Member to stand up in this House and say that he is fighting international communism is saying that he can fight against the interests of the people of Kenya.

Mr. Speaker, if some Members have decided that from today onwards, they are not going to represent their constituencies, that they are going to join the Americans and others to fight international communism in Homa Bay—

Mr. Speaker, this document is going to make it very difficult for anybody to effect the unity of Africa, and I hope that as we move day by day we shall make it flexible enough to be accepted by our people in other parts of the world. I have learned that Tanzania has now started to try and effect scientific socialism, and up to about ten years ago—

The Speaker (Mr. Slade): We cannot have half a dozen hon. Members all speaking at once. Interjections are all right, but we cannot have running commentaries from about ten people at a time.

Mr. Anyien: Mr. Speaker, some of these interruptions are good for me because when I sit down I start thinking about them.

Now, Mr. Speaker, some Members are asking me what is this scientific socialism. I am not a lecturer here, I have not come here to lecture the Members. All the Members here can read, and if they can read it is their responsibility, not to go around the places saying things they do not know. They must read like the hon. Mr. Muliro. The hon. Muliro is not a communist, and he made that very clear, because he believes in Christianity. If the Members keep asking about these things, I think I shall call a meeting of the Back-benches next week, and I will call the hon. Muliro to come and lecture the Members on some of these things.

Now, Mr. Speaker, I would like to say that even in Christianity we must never think that the Bible is a small book. I think you will find that the Bible has gone further than this document has gone.

Now, Mr. Speaker, I say that I have not read any Marxism, because I do not believe it really need to. Of course, we are today talking about African democratic socialism, and I have the

[Mr. Anyien]

pleasure to say it without the unnecessary interjections from the hon. Member.

Mr. Speaker, Sir, when even in the Bible it is said, in the Old Testament—they do not want me to quote from the Bible what is wrong—why can I not quote from it? Mr. Speaker, I am not speaking, but I want to use one quotation from the Bible. In the Old Testament, Mr. Speaker, because God was a God of those who obeyed him and he blessed them, he allowed them to have slaves, but from New Testament, may I quote one thing, he says that "I bring you a new law, that you love your God with all your heart." That is everybody's business, but love thy neighbour as thyself. Can we then say we are loving our neighbours as ourselves when you have money rotting in the bank while other people are dying because they do not have any medicine? Is that loving your brother? So let somebody, Mr. Speaker, come here and say—I have not read Marxism, but I can quote even from the Bible and for those who say that they are Christians and as such they must fight, it is that—

Mr. Kamau: On a point of order. May we know from the hon. Member whether he has any money in the bank?

The Speaker (Mr. Slade): That is not a point of order. I think I must warn all hon. Members again, not that every hon. Member or almost every hon. Member knows what is and what is not a point of order, that I am not going to tolerate fraudulent points of order: I am not going to.

Mr. Anyien: I hope that hon. Members are not trying to get me off my point because I have a point I want to make. And, Mr. Speaker, it must be realized, and here we have got to be honest, it must be realized that even when the Holy Spirit came and when the Holy Spirit came to his disciples and when they must go and bring everything so that it could be divided. When Aamias refused Peter said "in the name of God you will die" and they did die. Mr. Speaker, which means that God of today is the loving God of all times and as such when a man is gifted that makes him richer than anybody, I am not gifted so that I can exploit people, I do find so I can serve them. Mr. Speaker, I do find so I can serve them. Mr. Speaker, I do find so I can serve them, but I would like to say that, that is what I call "scientific socialism."

Mr. Speaker, now, I come to "communism." I want to warn my hon. Members that communism will only come to our country if our

people are exploited. If our people are not exploited, you may bring millions and millions of pounds to try to turn our people into communists, they will turn you away. Mr. Speaker, you may keep away all the Chinese, you may keep away all the Russians, but if the people feel that this Anyien who we elected is exploiting us and then come to a position whereby they come to believe that the group has now banded together to exploit us, Mr. Speaker, the masses will rise against this group and it will not be the duty of any Member to go around and tell them, because nobody wants to die. When the people see, when it comes to the point that the people can no longer accept the exploitation the people may turn up against the Government, so, Mr. Speaker, to guard against that, not that we want to buy the bullets, it is not that we want to threaten anybody, what we need to do is to supply the basic needs of our people and Mr. Speaker, communism will never come to Africa, communism will never come within Kenya.

The people must know that the conditions which lead to places like China becoming communist was because for millions and millions of years the majority of the people in China were exploited. When they got fed up with the exploitation they said we shall fight with our teeth, you may have the tanks, but we shall bite with our teeth and we shall fight and Mr. Speaker, the masses fought for twenty-eight years to overthrow the ex-government that was exploiting them. So, Mr. Speaker, the best way of stopping communism from coming to Kenya is not to go to public meetings and shout "Oh, communism is coming, you know what communism will give you, it will give you this or that," because the people will say "Oh, communism, that is what we want." We want to say, Mr. Speaker, I want to know now so that other hon. Members may have a chance to speak. Mr. Speaker, I would like to say that some people think that when we say that we want socialism, it means that we are going to tell the people in the constituencies to sleep and tell the people in Kenya to come and feed them. This is not the case, you will find that those hon. Members who have been in socialist countries will which if they are honest, but if they are dishonest they can say what they like, but in the honest they can say what they like, but in the socialist country everybody must work to earn his own living. It is only in the capitalist states where you find people sitting on the corners waiting and asking you to give them something begging and asking you to give them something free, but not the people of socialist countries. Mr. Speaker, I would like to say this before I sit down, if our people in the country-side, Mr. Speaker think that because we have adopted this

[Mr. Anyienh] and Asians are better off economically than the Africans. This is not the fault of the present Government, and let nobody blame the present Government for that. But, Mr. Speaker, Sir, if we say, we are going to revert, this is the basis of the alignment. If we are going to say that Mr. Smith must return what he had yesterday and Mr. Kaimu or Dr. Kiiano, yesterday, and then we are merely confirming and you cannot say that that is no independence from anybody. Now, Mr. Speaker, Sir, for that reason it will be, and I am sure that the Government will not be able to provide all the things which have been promised in the Kanu Manifesto and which have also been promised in this thing. If the Government will not be brave enough, not less brave than the British Government, to be brave enough and take over some of the main means of production. Mr. Speaker, Sir, it is very difficult sometimes, when you find in Britain the electricity is in the hands of the Government. You also find that Premier Wilson has also nationalized the steel industry. Mr. Speaker, Sir, Britain is a capitalist country, but then you will find that if you say that you will be called a communist and be accused of bringing foreign ideologies. Mr. Speaker, Sir, when we were fighting for independence the strong nationalists were described by the colonialists as communist and may I tell my own brothers that if they are going to take over the position of those colonialists by referring to their brothers as communist. Mr. Speaker, Sir, I would like to say that I said in my public meeting at the hon. Mr. Muliro's kingdom. I said that we should be able to nationalize for example, power, breweries, the East African Tobacco, the taxis you see here and the Overseas Touring Company. You know then that some people say, "Oh, his ideas are communist." If those who are saying this are joining mixed forces, using their positions then they must come out and say that they want to represent the views or the interest of the people for whose cause they are here. Mr. Speaker, Sir, we demand and we say that nobody should blame Mzee Kenyatta for not providing free education. How is the Mzee Kenyatta going to provide free education when the Kenya Government has not got the money? Then the people turn round and say that it is becoming communist. Where is he going to get money to give the people in order that they might get free education? When we elected him President, we did not give him a mandate to make money. He is not going to work that. The Mzee Kenyatta is not going to go all over the place kneeling down and asking all the Governments to give him money to give to the people of

Kenya. This he cannot do, and to expect him to do that is expecting too much, from the Government and the President. But what we want, Mr. Speaker, Sir, I understand that the profit, for example from the East African Tobacco, from the beer that we drink, from the cigarettes that we smoke from what my mother writes when she is telling me that she is coming to see me in Nairobi, from the taxis that are used by the tourists, and so many such companies, that those profits could give Kenya tomorrow morning free education from Standard I to Standard VIII, free medical treatment for the people of Kenya for one year again.

Now, Mr. Speaker, what is interesting is that some people—Some people are shaking their heads. Mr. Speaker, but I know it because when I was working in the East African Tobacco Company we went on strike for about a week or two, and they said that because of the strike they had lost about £5 million, as was announced in the papers.

Now, I ask the hon. Ministers to find out exactly what we mean, Mr. Speaker, we are not robbers, so we are not going to take over people's properties. For example, if you were to take over the Tea Estates you would not be robbing. My father worked for the Tea Estates and was getting Sh. 1 as salary. Then my brother was there to work and was getting about Sh. 20. Now, if we were to find out the right amount that my father and brother, and your brother and cousin should have got, we would find that these people would not know.

So, Mr. Speaker, when we talk of nationalization, we do not mean that we just want to take it over, and then form a relation with the owner, or with the British, or whoever owns the industry. Nationalization means that Government will take it over. Government will tell the owners that they have no money and they have to take it, and they will be able to pay in the next ten years. In other words, they will start paying after a year or two, and will carry on paying gradually until they have finished paying. This is what is being done in so many places. This has nothing to do with scaring away capital. The hon. Muliro did make this very clear, that even the people from the United States are now investing money in socialist countries, when they know that there is nationalization. So, the question of scaring away capital does not come into this. As a matter of fact, Mr. Speaker, it should be known that no Government will be able to be economically independent if we continue as we are doing today in Kenya. That is why I strongly support the steps the Government has taken. I do not

[Mr. Anyienh] agree that everything is written here, but who can write everything and satisfy everybody. Nobody can do that. Even Karl Marx has to reduce some things. So, there is nothing that can be written and be perfectly all right.

Mr. Speaker, I am not Marxist, I am an African, and I am socialist. If I may show my ignorance, Mr. Speaker, I have never read Marx, and I do not really think it is necessary for me to read Marx. What I think I should do is go down to my constituency and find out the problems of my constituents. The problems of the constituents are at home. They are not in New York, or anywhere else. The hon. Minister for Economic Planning and Development does not have to go anywhere to see the problems of his constituency. All he needs to do is walk down to Majengo and see the ladies there who have had to turn to very bad means of getting money because we have not organized a better way for them to get a living. It is not the fault of those women, but it is our fault, and we have to help them.

So, Mr. Speaker, I would like to say the Kenya Government—the President of our Government is below nobody, and as such, he does not have to ask anybody for permission to do anything. Of course, he must maintain the good relationship with all other people, but then, I do not think it will be a bad thing for him to nationalize the Breweries, Tobacco, Hotels, Overseas Touring Company, and so on. Mr. Speaker, Sir, why do I want to harp on this? The reason is this: these companies have been making money in Kenya, and the profits that they make go to Britain. Then we send our Minister for Finance, Mr. Gichuru, to bring back loans and then we give them interest. Meanwhile this money stays here, but then after a few days the money goes back to Britain. Then when another Minister comes, we will send him to bring back the same money as a loan. Why do we allow this to continue? We want to be able to borrow from Britain for five years. But, I can tell the Kenya Government today that if they continue in the way they are doing now, we shall continue to borrow for the next fifty years from Britain and from many other places, and that will mean that we cannot be truly independent people.

Mr. Speaker, in this document they say that shares should be bought. Who is going to buy the shares? I do not really need to buy them. I could do without buying them. At least I can take my children to school, because I am a Member of Parliament; I get a salary paid by the tax-

payors, and I can take my children to school. I can get medical attention paid for by the taxpayers.

An hon. Member: Exploiter!

Mr. Anyienh: Mr. Speaker, somebody is saying "Exploiter". I agree with you. The only man who can buy shares is an exploiter. He is actually trying to change the colour of the owner of these shares.

So, Mr. Speaker, I say that the question of shares, if it is going to be the question of shares, then for Kenya to be truly socialist, we have to borrow some little thing. I know that some Members will not agree with me, but we have to borrow. For example, Dr. Nkrumah has refused his Ministers holding more than a certain amount of money anywhere. We cannot have this sort of thing. We do not want to have Ministers who have so much money that they can bank some in Geneva, bank some in New York, and even in Moscow. This is not right, and this is not fair. What we should do, Mr. Speaker, —

An hon. Member: Take it from them!

Mr. Anyienh: I wish the hon. Member would let me speak. I was not referring to him as a matter of fact. The President calls everybody Anyienh, but it is not his fault, because he does not see me very often.

Mr. Speaker, for these reasons if we are going to have a socialist state, we must say that we cannot earn more than a certain amount so that the money can be distributed evenly. Mr. Speaker, the other thing I would like to ask is why our banks are foreign banks? This is very dangerous. In the Congo when Lumumba took over, one morning he went to the bank and asked for some money and they told him they had no money for him. How can the Prime Minister of an independent nation go to the bank and be told that there is not even one cent for him? This could happen even in our country. One day the Minister for Economic Planning could go to the bank and just want a small amount of money, but there will not be any. Then the Members of Parliament will not be paid, so they will start quarrelling, the civil servants will not be paid, and they will start quarrelling, and everybody will not be paid, and will start quarrelling. So, for that reason, Mr. Speaker, this bank that we have got is to be completely independent, and our President must have power over the bank, and when he says that he wants money, there will be some. Mr. Speaker, I would not say that the President goes there to get money to go and marry another wife, or to go and buy another

[Mr. Anyieni] by their own behalf but on behalf of the people who voted them here. What the people of Kenya will have to expect is what I understand the Minister for Economic Planning has said: "that is, a minimum income for every person in Kenya. This everybody must be able to have. When we say we are going to have a socialist state, we do not really mean that all people—Kisumu and Anyieni—are all going to be cut to the same size. I think that would be very unfair, but the hon. Dr. Kiambu must be tall enough to be seen and not be trodden upon by the taller people or by another man, Mr. Deputy Speaker, that being the case, I actually mean to say that in a socialist state everybody is going to have the basic necessities of life. I hear one Member telling me, Mr. Deputy Speaker, "equal opportunities". The hon. Member must know that he was a very, very popular man when the British were here because he fought to maintain the status of his people, so the hon. Member ought to know that under the colonial rule we were not even given equal opportunities with other races, and when some people say there is no class problem in Kenya, there is no class war in Kenya, I would say there is a class struggle in Kenya, Mr. Deputy Speaker; there is a class problem. Let us not say it is racial, but if there is an Asian in the street who is not a rich man and who cannot afford to wear a coat like the one most of the hon. Members here are wearing, that man does not say, "Well, I'm an Asian, so it does not matter whether I am poor or I am rich." And in socialism, Mr. Deputy Speaker, there is no question of colour. As a matter of fact, if there were socialism in Kenya, I would encourage people to come from many other places, such as from London, if they have some experience to help us, because they are not coming to exploit, they are coming to serve the masses.

I would like to say, Mr. Deputy Speaker, Sir, that the question of equal opportunities must be recognized, if it was the question of equal opportunities. Why did the Governmental departments demand Africanization? If it were equal opportunity then why did we not say that the expatriate Civil Service could continue to remain here and Mzee Kenyatta would also give equal opportunities to everybody? We demanded that for the recognition of that opportunity we must have an African as a President and we must recognize both of them. That must go right down to the economic development of our country. I know that the Minister for Commerce and Industry knows very well, that you can get on your marks, get set, and go, when one man

is behind the other, which means the Government through this African Democratic Socialism then Government is going to take steps so that the African will also be in some state where you will find, Mr. Deputy Speaker, Sir, that we do not have an African Government. If someone came from Siberia or from Alabama, they would say, "these Africans, what are they doing here? This must not continue, and the fact of this Mr. Speaker, Sir, the road is called Kenyatta Avenue or whatever you call it. It is a mockery to our independence and individuality of our African people to see all these things, and we hope that African democratic socialism will be able to get rid of some of these things. When we say this, Mr. Deputy Speaker, Sir, we say that the African should be given a chance. We do not really mean, Mr. Deputy Speaker, Sir, that we are going to have one of two, or even one of ten Africans to take over from the ten Asians. We are not saying that one Asian will be here, and one African will take his place. This would not be in the interest of Kenya. Now this African democratic socialism, because what it means is that the only difference between Mr. Kamau and Mr. Patai is that Mr. Kamau is a black man, and Mr. Patai was a brown man, and an exploiter does not have to be white, does not have to be black. An exploiter is an exploiter, whatever colour they are.

Now, Mr. Speaker, Sir, the other thing is that through African democratic socialism our people are going to be guaranteed some food. Now, I do not want to create, but for the information of the House when the Europeans were ruling the country, we in Kenya, unless there was an international shortage of food, we never had any food from Tanzania, never any from Uganda, and maize for example from Uganda, but Mr. Deputy Speaker, Sir, because of this policy, that today the Africans who buy a piece of land, the policy of things that a person must have a piece of land before he can see that there is independence. This is the wrong policy. Because of that, Mr. Speaker, Sir, the land which was being farmed well by the settlers has been divided up into such small bits, and on subsistence level up into such small bits, and as a result, Mr. Speaker, Sir—I hope the hon. Members will wait for me to say, because I am quite capable of speaking for myself, Mr. Speaker, Sir, we have had to buy all the maize that we can buy from Tanzania, and all the maize that we can from Uganda, and today we have to buy more than 4 million bags of yellow maize from the United States of America. We know that in the United States it is used to feed pigs. This is the maize

[Mr. Anyieni] which we are going to use in Kenya. This is not right, Mr. Speaker, Sir, and I hope that the only reason why we did not have enough is because we did not have that document in action.

Mr. Speaker, Sir, with that I would like to say that I do not, and the hon. Members here know, that I do not support the idea of splitting up farms, which have been farmed economically, into such small pieces. This is not right, this is why, Mr. Speaker, Sir, I brought a Motion to the House saying that Government should put a limit, so that if my hon. Mr. Bomett has 500 acres or 1,000 acres and it is within the Government's control, then he should be left with that land so that he can produce for the people of the land. This is the fact of the matter Mr. Speaker, Sir, it is not capitalism, but then how is Mr. Bomett going to own this land? How is he going to sell it? The European there was employing about 50 Africans, is the hon. Mr. Bomett going to employ only 10 people, pay them about Sh. 30 each, they work for him all their life, working for him when they were poor people and they die poor people. That is not what we mean. So, Mr. Deputy Speaker, Sir, the only reason why any hon. Member wants to have a big piece of land is because he wants to make a profit for himself.

Under socialism, Mr. Deputy Speaker, Sir, we are guided by the wish to serve and not by the great urge to own as much as you can. Now, if this principle would control us then I do not think we would have a lot of quarrels here calling each other exploiters, communists and other things. These would disappear and we would have African democratic socialism trying to help the people. So, Mr. Deputy Speaker, Sir, here is where the African democratic socialism is going to be affected by Government. We demand from the Government, that they should take over some of the big pieces of land, maintain the site, let enough people to work on the land and the machinery and let these people farm the land on a co-operative basis. Mr. Deputy Speaker, Sir, so that the production will be maintained, and Mr. Deputy Speaker, Sir, if a person has bought land and any person has some land irrespective of whether he is an Indian, European or an African, if he has land and he is not farming it then he is not producing anything out of the land, then this piece of land should be bought more readily than the piece of land which is being developed.

Mr. Deputy Speaker, Sir, I would also like to say that if Government takes over such a farm, then there should be no question of compensation. There is no question at all of compensation if the land has not been developed. The land

belongs to the people of Kenya and if it is neglected and undeveloped, in order to produce some meat for the people who live in the cities, then that land will be taken over and be given to people who could do some good. Mr. Deputy Speaker, Sir, I believe that if it were to be taken away from Masailand—

Mr. Deputy Speaker, Sir, I would like to make this clear, that if that land belonged to a clan of the Masai and it was taken away, then it should be given to another Masai not any other tribe. Mr. Deputy Speaker, Sir, I understand some people are protesting and I hope that they are right because you will never have a situation whereby the Masai have to be favoured and the others have nothing.

Mr. Deputy Speaker, Sir, the other thing which I would like to say—

The Assistant Minister for Commerce and Industry, (Mr. Oluothip): Mr. Deputy Speaker, Sir, on a point of order, is it not in order for the hon. Member to refer to the Masai tribes that they have to be forced.

The Deputy Speaker (Dr. De Souza): I think the hon. Member was saying that the Masai do not have to be favoured.

Mr. Anyieni: Mr. Deputy Speaker, Sir, I would say that one hon. Masai Member here, all right, I will leave that.

Now, Mr. Deputy Speaker, Sir, the other point which I would like to make is the basis of any socialism, African, Asian or European socialism is that Government should go to some expense to all the main means of production in that particular country.

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

[The Speaker (Mr. Stale) resumed the Chair]

Now, here, Mr. Speaker, Sir, is when we say that the main means of production should be in the hands of the Government. Some people then say, "Oh, communist, communist, communist." Now, Mr. Speaker, Sir, in this country today we demand that Government takes over the main means of production. These people who say that that is communism, we can see whose interests they are here to protect or to defend. Mr. Speaker, Sir, out of colonialism which ruled in this country for seventy years, some of the reasons why Kenya was colonized was because it could be developed as part of England for the interest of the motherland. As a result, Mr. Speaker, Sir, it is not the fault of the President of Kenya, but as a result today the Europeans

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, in seconding this Motion, I want to dwell on two points which are particularly my responsibility: that is, taxation and overseas aid. I have no intention of trying to anticipate what I shall say at Budget time.

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

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

I want to emphasize the fact that has been laid in the Paper, that our objective is to try and secure as much money as possible, to enable the Government to run, whereas, at the same time, we do our very best to spread the burden of taxation, particularly to get as much money from where it is available, from those who can afford it, and make the burden less for those who are not able to pay.

The other point is in relation to overseas aid. I think the Paper does make it very clear that if we want to develop as rapidly as possible, we cannot get money from within the country to enable us to do so, and therefore we have to resort to other countries who have to come to our aid. Sometimes, Sir, it is not so easy to get this aid because some countries who are willing to help us have their own problems of balance of payments. I think you will remember reading in the Press that Britain, for instance, which has been the main source of our finances, was in difficulties with balance of payments to the tune of £745 million.

It is almost impossible to get aid without some form of strings. When we get very generous aid usually this aid is attached to the goods. For instance, with Britain now, because she has her own problems of balance of payments, she insists that with a certain percentage of her aid we must buy goods from her. The easiest place to get money, of course, is from the American Industrial Development and the World Bank, and if we have projects well prepared, we always do get money. May I add that in trying to get this aid, we—

QUORUM

Mr. Odoyo: On a point of order, Mr. Deputy Speaker, is there a quorum in the House?

The Deputy Speaker (Dr. De Souza): No, there is no quorum. Ring the Division Bell.

[The Division Bell was rung]

The Deputy Speaker (Dr. De Souza): We now have a quorum. You may continue, Mr. Gichuru.

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, I was going to say that whenever I try to get money, I do endeavour to ensure that I get it from any part of the world, and we have had money from both sides—the West and the East—for which we are very grateful.

In seconding this Motion, Mr. Deputy Speaker, I think it is important that this Paper goes through because it will enable us to leave the country with no doubt as to what African socialism is, because what we want is something that is our own that is both our tradition and our inheritance. It is, therefore, very important that this should be made very clear and that it is the duty of all of us as representatives of the people to go out in these next three weeks and explain to our constituents exactly what the Government is doing and the meaning of African socialism.

I feel Mr. Deputy Speaker, that it is important that we hurry up and I would like to correct one remark that was made earlier on: that this Paper will not have a bearing on the Budget. It will. If the sentiments expressed in the Paper are accepted by this House, then we must follow this up also in our Budget, to ensure that we reach that maximum development that we are all very anxious to see, because I feel that socialism is based on the assumption that each individual must work hard, because if he does not, then he will be living on the sweat of others. I feel that we should be proud of owning property, that we have worked hard for.

Mr. Deputy Speaker, Sir, as I promised that I would not be long, with these few words, I would like to support the Motion.

Mr. Anyienji: Mr. Deputy Speaker, Sir, I must thank the Minister and the Cabinet for working out this Paper.

If I may be allowed, I would like to pay something to help hon. Members come to know why the Government now has come to accept socialism in whatever form they want.

Mr. Deputy Speaker, it was in 1959, when Kanu was not a very strong party and the President was in gaol, when two Ministers from Kenya went to West Germany and started committing Kenya to becoming a completely capitalist state. At that time, Mr. Deputy Speaker, Kanu was formed, and the group demanded the release of Mzee, demanded that the land must be given to the Africans, demanded that the British Government should pay settlers, whose land was going to be taken over by the Kanu Government. Later on, the original Manifesto

[Mr. Anyienji] Kanu, which had been drafted by these Ministers, was shown and you, Mr. Deputy Speaker, know that the word "socialism" was included, but somebody clever made sure that it was African democratic socialism.

Mr. Deputy Speaker: I first of all should like to say that the word "African" here is not properly used. Kenya has no right to claim to speak for the whole continent of Africa, for the socialism that we are going to effect in Kenya is not the same socialism which the people of Tanzania, of Uganda, of the Congo, of any other country in Africa are going to effect. Every other country, Mr. Deputy Speaker, will have its own socialism. I think it would be proper, if we refuse to call it scientific socialism, to call it Kenya socialism.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): You define scientific socialism.

Mr. Anyienji: Mr. Deputy Speaker, if I tried to define scientific socialism, I would say it is the socialism which the hon. Member was not taught by the British, because the British cannot teach you scientific socialism.

Mr. Deputy Speaker, Sir, I would like to say I hope that from today there will be no question of anybody calling any other person a capitalist or a communist or anything else, for that matter, because we have now this document. Mr. Deputy Speaker, this is because in the country today some of the bankrupt politicians have tried to grab fear among our people, fear that there is communism coming to this country. Now that this House—and I think the House will accept this Paper—is going to accept this Paper, I believe that it will be the responsibility of every Member to explain to the masses the word "socialism" as it will be applied in the White Paper. I must say that when we came to this House and some of us were saying something about socialism, some Members here thought it was abandonment to mention the word "socialism", but I think it is a great achievement for this country that now, even the very same Members are now shouting it, irrespective of the objectives which they have tried to qualify.

Dr. Deputy Speaker, I would like to say that from today on Kenya will be a socialist state, Kenya will be a welfare state. I do not think it will be proper to expect the Kenya Government tomorrow morning to start becoming like any other very well advanced socialist state, but we believe that the Kenya Government from now on will start taking definite steps to make Kenya

a welfare state. From time to time this Paper will be reviewed according to the needs of the country; so much so that after some ten or twenty years, Kenya will truly be a socialist country.

Mr. Deputy Speaker, there are things we are going to tell the masses, which they must expect under a socialist state, and we do not want anybody to go around and start saying that these people are opposing the Government, because these are the essentials of a socialist state. The essential factor of a socialist state is that children, irrespective of what their parents own, will be guaranteed education. It will be the responsibility of Government to make sure that the children not only of the rich, not only of Members of Parliament will go to the best schools, but the Government will work in such a way that not immediately but after some time, every child will have the chance to have an education. To do that the Government has to start now, so that we can go and say, "Now, look at this thing we have approved. Before we approved it, you saw what was happening." We can now start telling our people that they must, if they want to help Mzee Kenyatta to fulfil what has been said in this Paper, all follow behind Mzee Kenyatta and refuse to accept those elements who are trying to bring confusion in the countryside and thereby indirectly discredit Mzee Kenyatta for being unable to get the people of Kenya together.

Mr. Deputy Speaker, medicine is another thing that the people of Kenya from this document should be guaranteed. The people of Kenya are not interested in this Paper; it is more useless than a leaf, than anything, but what is more important is the words in it, which will be fulfilled by our Government within a reasonable time for our people not to be too impatient waiting for the Government to do so, as our people were almost becoming impatient for our Government to start doing something concerning the Kanu Manifesto.

Mr. Deputy Speaker, sometimes when you are out in the countryside you find a child who is very sick and then you ask why the child has not been taken to hospital, and the mother, in tears, tells you that she has no money to take the child to hospital. This child is the child of the State, this child is the child who could have been taken to the President of our Republic, and this because the child cannot have medicine because the Members of Parliament have failed to work out a way of making sure she will have this treatment and have instead come here and quarrelled among themselves, forgetting that they are not here on

[The Assistant Minister for Commerce and Industry]

Mr. Speaker, Sir, those Members who say that we should prolong or delay this Motion are not doing anything, but only creating confusion in the country.

Mr. Shikuku: On a point of order, Mr. Speaker, is the Minister in order to insinuate or to impute that some Members are trying to confuse the people in the country by delaying this Paper?

The Speaker (Mr. Slade): It is out of order even to suggest it.

The Assistant Minister for Commerce and Industry (Mr. Oloitipitip): Mr. Speaker, Sir, I said that if we are going to delay this Bill, it means, perhaps, the bringing of confusion in the country.

Mr. Speaker, Sir, the Kenya people—

The Speaker (Mr. Slade): I would like to make it quite clear that it is quite all right to say that something a Member says or does has a bad effect, but what is out of order is to suggest that he intends that bad effect.

The Assistant Minister for Commerce and Industry (Mr. Oloitipitip): I did not say that, Mr. Speaker.

Sir, I feel very strongly that Kenya a few weeks ago was very confused. Some of our friends here bring the policies to such meetings, and relate themselves to the Eastern countries, and some of the Western countries. Therefore, I feel very strongly that this is a spear-head. This Sessional Paper is a spear-head for Kenya, and I feel that if we want to lead the country properly, we must have a spear-head, and after that we can come back and debate the Budget and debate anything else which might come to the House. But, Mr. Speaker, Sir, this Sessional Paper is the spear-head to our country, to design African socialism in Kenya, and we make this clear before coming to the Budget.

Mr. Speaker, Sir, I very strongly oppose those people who say that we delay this, and I support the Motion, and I think anybody sensible should get this clear, and then we can come to other things.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, as it seems that we have aired our views very clearly on this, I would like to call upon the Mover to reply.

The Speaker (Mr. Slade): This is for the House to decide, but it is quite in order that the House should now decide.

(Question put and agreed to.)

The Vice-President (Mr. Odongo): Mr. Speaker, Sir, I do not wish to waste the time of the House as all the time wasted in this argument is also counted and is very valuable indeed. May I just point out one thing, all those Members who wanted time had, a member at one time, insisted that we should have an even longer time in which to debate this, and as a result we did. We gave this White Paper all this time we have given it. We gave it at the request of the Members and at the same time we had considered also the period between the actual publication and also the debate, and at this time the Members themselves considered and said that the time would be sufficient for them to read the Paper through and understand it. In fact, so far, the Paper is written in simpler English than most of our Members speak. Many of our Members speak very complicated English. So, I thought because this was the beginning, this actually being not the completion, but of moving forward and as you go forward this Paper will not just be a complete thing which can never be added to. You will always go on. You must find where you begin and then build from there. Now, with these few remarks, Mr. Speaker, I still appeal to my hon. Members who are actually reluctant to please give way and let us move ahead.

(Question put and agreed.)

POINT OF ORDER**WRITTEN SPEECHES TO BE PIGEON-HOLES**

Mr. Anyeni: On a point of order, Mr. Speaker, we understand from the beginning when the hon. Minister for Economic Planning was moving, he said that this Paper was discussed fully in the Cabinet, it was given time and everything was said and I understand that the reason why the Ministers want to take time to speak is because they wanted to give the House details of what they are planning in their own departments. I am wondering, Mr. Speaker, whether it would be in order for the Ministers to give opinions and writing and place them in our pigeon-holes so that these speeches will not be given orally in view of the shortage of time, and that this time can be devoted, in view of the shortage of time to speeches from Members and Back-benchers rather than from Government Ministers?

The Speaker (Mr. Slade): I remember one occasion some time ago in Legislative Council when a Minister was called upon to move a Bill and he said, "I have written a very long speech of many pages to move this Bill and I think it might bore hon. Members and so I have

[The Speaker]

put a copy in their pigeon-holes, they can read it instead." That is a very unusual practice and I do not recommend it; that hon. Members, instead of speaking in this House should put papers in pigeon-holes. It is better that they should speak on the Floor of this House according to usual practice.

POINT OF ORDER**SELECTION OF SPEAKERS AND READING OF SPEECHES**

Mr. Ngala-Aboko: On a point of order, Mr. Speaker, Sir, in view of the fact that Members in this House are so many and they are so concerned with the Paper as allocated by the Government as a most important Paper, could you please rule that Ministers are not to speak—The Minister for Economic Planning is enough to answer on behalf of other Ministers so that the Back-benchers here are given time to give their views with the accommodation, as the Minister for Economic Planning said, this is already planned because the Government has fully discussed this and now there is no need for them to be monotonous on speaking on the same item which we want to give our views on?

The Speaker (Mr. Slade): I cannot possibly rule, when there is no limit to the length of speeches or the time of debate, that any particular Member section of the House shall be limited.

As regards hearings or joints of views, it is my job to the best of my ability to select the speakers and that is what I am trying to do in this debate. There is one valid point, I think, emerging in Mr. Ngala-Aboko's remarks, that yesterday we had a series of speeches from Ministers which were read, word for word, when there did not appear any real necessity for being read word for word and an objection was raised by Members with regard to that, and quite rightly raised by reference to Standing Orders. I do hope that the Ministers speaking in this debate will be as spontaneous as they can be in accordance with Standing Orders.

POINT OF ORDER**CONTINUATION OF DEBATE AND CLOSURE**

Mr. Oduya: On a point of order, Mr. Speaker, I intend not to waste time, but what I want to know, Mr. Speaker, and I seek your guidance on this. In view of the fact that the Minister for Economic Planning and Development is co-ordinating Minister for all the Ministers, I thought

at the time he moved the adoption of this Paper here he had already decided who was to speak for Government. Most of us would like to comment on this Paper and we are a House of 130 people, and since we have only a very few hours tonight and also a very few hours tomorrow morning, is there any way that we can change the Motion that has been approved here so that we can extend this period of debate until we come back for the next Session, and we can discuss it then more fully?

The Speaker (Mr. Slade): It rests entirely with the House, as any other major decision does. There has been no time limit set by the decision of this House for this debate. Therefore, this debate continues until the House resolves on the closure or no Member wishes to speak any more. The fact that the House may be adjourned tomorrow does not necessarily mean that the debate will be concluded tomorrow; in fact it does not mean that the debate will be concluded tomorrow, unless the House resolves on the closure tomorrow. That is the way with an unlimited debate.

The Minister for Economic Planning and Development (Mr. Aboya): On a point of order, Mr. Speaker, I think with due respect, Sir, that the Motion that has been approved by the House this afternoon stipulates that the debate on the White Paper will come to an end at the interruption of business tomorrow. I feel the House should not be left in any darkness as far as that is concerned.

The Speaker (Mr. Slade): That is not the effect of the Motion. There may be some ambiguity in it, but the effect of the Motion is simply to exempt this business from Standing Order 23. The purpose of that exemption is indeed stated to arrive at a completion of the debate, but it was certainly not a resolution of the House that the debate should be completed tomorrow.

MOTION**SESSIONAL PAPER No. 10 OF 1963/65:
AFRICAN SOCIALISM**

That this House, having studied carefully the Sessional Paper No. 10 of 1963/65 entitled "African Socialism and its Application to Planning in Kenya" notes and adopts the said Paper as the basis and guide for future development planning and policy in Kenya.

(The Minister for Economic Planning and Development, Mr. Aboya, on 4th May 1965)

(Resumption of debate interrupted on 5th May 1965)

[Mr. Oduya]

who are rejected in the same way we are elected, to have the Provincial Councils examine the Bill, so that when this House passes any document such as this Sessional Paper No. 10, it must carry the full support of our people throughout Kenya. There is no point in hurrying us up on this Paper, saying that we must pass it quickly, because the Budget is coming. This will not stop the Budget. Last year, Mr. Speaker, when we had a Budget, it went through, and this document was not there then. Even now we are faced with the Budget in a few weeks time, but this will not stop the work of the Budget.

Now, I think there is something wrong, that some people are trying to spoil everything that we are trying to do for the benefit of our country, who are here to support the Government in this House. Therefore debate on the document is not really concerned with whether Oduya is there, or Mboya is there, or Masinde is there, the senior people and the individual families will remain. As Mboya found it, it will continue.

Therefore, the Teso people are not Mboya, and that is why I say that we must be given ample time on the document to examine it, and I do not agree and I reject very strongly the views expressed by the Vice-President, that this Paper should be given priority to allow Members tomorrow to complete the Business of the Sessional Paper. I think if we are really to define African socialism, socialism itself is going to bring out the culture and traditions of the African way of life in the country, and how we want it to continue, so it is a White Paper, and the way it has been put is very roughly so that the Members of this House can interpret it to their people but as far as I am concerned, Teso would like to maintain this. Their cultural and traditional way of life.

Mr. Shikuku: On a point of order, is the hon. Member—

The Speaker (Mr. Slade): I do not think so.

Mr. Oduya: Therefore, we will take the views of the public, the Government Ministers and the Members of the party in question, that is Kanu, to give consideration, and then we will see how much socialism we are going to produce here.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I have the greatest respect for the hon. gentleman who has just spoken, but I humbly disagree with him in one thing. Whereas he intends to leave Kenya as he found it, I intend to leave it better than I found it.

Having said that, I think it is quite understandable that we should want to finish the debate before we embark on the Budget debate. After all, the Budget debate is, in effect, another full debate on policies, and to have another debate on policy before we finished this debate on policy would be, as it were, to cross wires, and the result would be confusion. I hear an hon. Member suggest that we have three weeks of rest. We do not have three weeks of rest. Perhaps the hon. Member has three weeks of rest, but I doubt whether the other Members have three weeks of rest. All of us have three weeks of rest work in our constituencies.

Mr. Speaker, apart from that, it is clearly understood by hon. Members that one of the reasons why we are adjourning this week, and have done three weeks this time instead of a fortnight, and one of the reasons why we are adjourning for three weeks, is that immediately next week we have the Central Legislative Assembly meetings, and it is the established convention that we do not hold our Parliament in session while the Central Legislative Assembly is in session here in Nairobi. This is another point which, perhaps, has not been quite appreciated. In any case, Mr. Speaker, if the country would like this debate to come to a conclusion.

We have had a lot said, and the conclusion must be reached so that the country is immediately aware of the decision of this Parliament as regards this White Paper. There is no reason at all why we should extend the sittings in order to consult anyone. If we were not going to adjourn this week, we would have gone on with meetings. There would have been no question of going back to the country again. This debate has started and this debate has to be concluded. The other issues mentioned by the hon. Member are entirely irrelevant.

Mr. Masinde: Thank you very much, Mr. Speaker. I do not have much to say on this except to reject the Motion as it stands, because what is required here is that we hurry, but after passing this Sessional Paper No. 10, in future we might regret it, although we agree that African socialism is right for Kenya, but we might want to have time to amend its definition. But, I think hon. Members of this House must be given full opportunity to give their suggestions and with these suggestions, the Minister for Economic Planning should incorporate them in this White Paper before we pass it.

Sir, whether the Central Legislative Assembly is going to meet or not, Kenya is going to be

[Mr. Masinde]

Kenya, and in this Paper, it is a direct underpinning of the East African Federation, and even the East African Common Services, because what is defined as African socialism in Uganda is different; and what is defined as African socialism in Tanzania is different, and here we are not going to be stopped by the fact that the Central Legislative Assembly is going to meet, and then we decide on what is going to happen in Kenya.

Now, the question that we have to pass this because we are facing the Budget time is completely out of place, because this Government has had the chance since 1963 to study this House for a matter of three days and is asked to be passed already. Now, we are elected by the people of this country, and we must—Hon. Ministers here have started reading documents prepared by very intelligent people, but a poor man like Masinde goes out and consults his own people, so how can I understand this document?

On the other side is the question of the African traditions and culture. A Baluhya is completely different from a Luo, and yet they are trying to make one nation of Kenya, but we must realize what are the customs of the Luo and Baluhya. Because of this, Sir, I think it is necessary for the Government to forget all their ambitions of passing this Paper quickly so that we continue next week.

With this, Sir, I beg to oppose.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): Mr. Speaker, Sir, I would like to be very short on this, in support of the Motion.

This is a procedural Motion, Mr. Speaker, and I do not see any reason whatsoever for somebody objecting to or opposing this particular Motion, who only on the question, consultation. Now, who only to be consulted? All of us here in this House were elected on an understanding that we stood for African socialism, and this House has been confused all the time because the definition, clarification on this particular question was not available. It was the duty of every Member, when this Paper was published, to read it, to study it, to consult the Ministers so that everybody should understand it. We, in the Ministry of Information, have already printed pamphlets which would help all hon. Members to explain to their constituencies that if it is a question of consultation, do they not know that they were elected on the basis of African socialism, which we are now trying to define, and to expand, so that it could be understood. The Kanu Manifesto

is just the basis, and the present Paper is a definite effort to expand our policy.

Now, I am referring to the book *Tea & Yourself Citizenship*, which is referring to African socialism and its application—

Mr. Shikuku: On a point of order, is the Minister in order in assuming that everybody was elected on the socialism ticket when there are people here who were not elected on the socialism ticket, but on *Mujibism*?

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

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): Mr. Speaker, when the other party, the Kadu Party crossed the Floor, they identified themselves with the policy on which every Member was elected.

The Speaker (Mr. Slade): I think we are getting off the subject.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): Mr. Speaker, what I was trying to explain is that the Sessional Paper No. 10 is based on the Manifesto, and it is the duty of the hon. Members to read the Paper and explain it to their own people, and I think if it is possible, we should conclude the debate this week.

The Assistant Minister for Commerce and Industry (Mr. Oloinpiipi): Mr. Speaker, Sir, I rise to support the Motion. I do not agree with the hon. Member, Mr. Masinde, who said that they needed to go back to their own constituency, and consult their constituents.

Mr. Speaker, every Member who has been elected to this House is given the mandate from his people to say whatever he feels is better for his constituency. Therefore, there is no reason why a Member should say that he should go back to consult his people. If he feels that he must do so, it means that he is not working for them in this House.

Mr. Speaker, I think that if any Member wants to refer such a Motion to his people, it means that he is not working as he was elected to this House.

The other question I want to put, Sir, is that I am a Masai, and I know all the Masai customs. Therefore, if anything differed from this Paper, I am at liberty to tell them in this House, Sir. Therefore, there is no question that a Baluhya or a Luo custom does not come together. If it does not come together, it is up to us here, the elected Members, to try and put things together, because we have the mandate of our own people.

[The Speaker]

have sent him out of the Chamber. I do not want to pursue this one any more.

You have another one, Mr. Anyienl.

POINT OF ORDER**STANDING ORDERS ON ADMISSIBLE MOTIONS**

Mr. Anyienl: Mr. Speaker, Sir, I see here that when we come to this House every time we start, I see that there is some paper there from which you read, "for the welfare of society and just government of men." Mr. Speaker, Sir, yesterday a Motion was given in this House, by one hon. Member expressing no confidence in one particular Minister. Mr. Speaker, Sir, I would like to know as to whether—according to Standing Orders—you do not have the power to stop Members from bringing any political differences, which they might have had outside, for discussion here on personality basis. Mr. Speaker, Sir, I am saying this—

The Speaker (Mr. Slade): Order! Order! I think you had better be quite general in what you are asking and not refer to particular cases, Mr. Anyienl.

Mr. Anyienl: Mr. Speaker, Sir, is there no Standing Order or any discretion on your part to stop this House becoming a channel or a platform, through which Members come to quarrel over their personal differences instead of fighting for the nation?

The Speaker (Mr. Slade): Order! This is also a point which I think Mr. Anyienl has done well to raise, because it is a question I have been asked by Members from time to time—and I would like to get the position clear. Standing Order 30 provides that:—"Before giving Notice of Motion the Member shall deliver to the Clerk a copy of the proposed Motion and the Clerk shall submit the same to Mr. Speaker.

If Mr. Speaker is of opinion that any proposed Motion is one which infringes, or of the debate on which is likely to infringe, any of the provisions of these Standing Orders he may direct—

- (a) that notice of it cannot be given save with such alteration as he may direct; or
- (b) that the Member concerned be informed that the Motion is inadmissible."

Now that defines my power, and the whole of my power. You will see that it only empowers me to reject the Notice of Motion if it actually infringes Standing Orders, or is likely to give

rise to a debate which infringes Standing Orders. Very few Notices of Motion will actually infringe Standing Orders. In the few cases that there are, then indeed I reject them. There are quite a number of other Notices of Motion sent into me which I think are rather premature, or may involve personalities beyond any justification, or may, in some other way, do more harm than good, if they are brought into this House. In those cases, I do try to exercise what influence I have, to persuade the Member concerned to think carefully before he gives the Notice, or to consider modification of his language, or to discuss the matter with some other authority before he eventually ventilates his dissatisfaction, or whatever else seems to me to be in the best interest of himself and the House; but that is only advice or persuasion and I must make a very clear to hon. Members that it is only advice and persuasion, and that my actual authority stops where the Order says it stops, because I do not want hon. Members to be stifled by some misunderstanding of the actual power which I have. Indeed, I think all hon. Members would agree, it would be very wrong if I or any other single individual be given the final say as to what is or what is not to come forward in the House, so long as it is according to Standing Orders. I may well believe that a particular Motion will do a lot of harm, but why should I be the final judge? How can I be the final judge of that? In the end, it must be the House which decides. In the end, the question of what notices hon. Members give in the House, what motions they bring here, what questions they ask, and everything they do in this House, is their responsibility. It has been said that the dignity of a House is in the hands of the Members, and hon. Members must never forget that. The Speaker is there to give effect to the will of the Members and to their Standing Orders, but he cannot make Members have dignity if they do not want it. He cannot make them feel respect if they do not. It is with the Member's ability if they do not. It is with the Member and their own individual responsibility is the only ultimate safeguard.

Mr. Anyienl: On a point of order, Mr. Speaker, Sir, in this House several times you have ruled as out of order any direct or personal attack on another Member, and consistent with that, Mr. Speaker, Sir, would it not be in order that, if you could stop any such motions which are a direct attack on another Member? For it would, Mr. Speaker, Sir, mean the tomorrow another Member may give notice of having no confidence in another popular Minister, and this would make our country a laughing stock in the eyes of the world.

The Speaker (Mr. Slade): I do try, as hon. Members know, if they heard my ruling two days ago, to discourage hon. Members from indulging in personal recriminations in this House, when our duty is to consider matters objectively; but it is not under any power in Standing Order, that I do so. Therefore a Motion which may produce such conflict between Members is not scotally out of order, unless and until the Speaker is empowered under Standing Orders to make it so. As regards the Motion involving no confidence in a Minister, well hon. Members do understand that having regard to collective responsibility, it implies no confidence in the Government. However that may be, it is not the first time in this or any other Parliament that there has been a direct attack on a particular Minister. It does sometimes happen, but there again it is for the hon. Members to judge whether or not they are justified in doing this.

Mr. Warilth: On a point of order, Mr. Speaker, Sir, if the House felt that it was necessary for the keeping of the good name and dignity of the House to set up a small committee to assist you, the Speaker, in collecting some of these Motions or questions which raise the kind of matters which have been referred to by Mr. Anyienl, Mr. Speaker, Sir, this could be done if the House felt that—

The Speaker (Mr. Slade): I do not think we can debate that kind of proposition now; but if Mr. Warilth thinks that that is a good idea, which frankly I doubt, it should be brought before the Sessional Committee first, as a proposition for amendment of Standing Orders, and if such an amendment is then approved it can be brought forward to the House. It would be a matter of amendment to Standing Orders. I think we must go on with the business now.

MOTION**EXEMPTION FROM STANDING ORDERS:
GOVERNMENT BUSINESS IN PRIVATE MEMBERS'
TIME**

The Vice-President (Mr. Odings): Mr. Speaker, Sir, I beg to move the following, with your permission and leave of the House:

THAT the business of the Sessional Paper No. 10 of 1963/65 be exempted from the traditions of Standing Order 23 and in so far as it would be necessary for it in Private Members' day to complete the debate thereof before the time for the Interruption of Business under Standing Order 15 (a).

Mr. Speaker, Sir, this I think the hon. Members will understand that we were in the middle

of a very important debate on this White Paper, and as tomorrow will be the last day before we adjourn for about three weeks it is felt necessary that we give the Members time tomorrow to go and debate this very important Paper and conclude it tomorrow. I must also warn Members that immediately after this, in our next session, we will begin our Budget debate, and as far we may not have enough time to go on with another important paper as the one we have.

Simply because of that, Mr. Speaker, Sir, the Sessional Committee has decided that as tomorrow is a special day we should ask the leave of the House to make it for the debate on this Paper.

Mr. Speaker, Sir, I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

Mr. Ngika: Mr. Speaker, Sir, I would like to support the Vice-President in this move. My reason for supporting him is that the Sessional Paper in question I hope will be the basis of the Budget, and as the basis of the Budget it is very important that it should be cleared first, so that the Budget can be much more smooth and based on complete ideas which are approved of by this House. I think, although it is a pity that Private Members' Motions will not be there if this House allows this, but I think that whatever we may discuss privately tomorrow is not, with due respect, of as much urgency as this Motion, Paper, and therefore I would like to support the Vice-President in moving that we continue with this business tomorrow.

Mr. Odings: Mr. Speaker, Sir, I think I rise to object to this. There is no point, Mr. Speaker, Sir, of suggesting what my hon. friend has just said here, that the Paper in question, so-called African socialism, is in some greater connexion with the Budget which is due very soon.

What I know is that the Budget is already drafted and we are going to deal with it. There is no necessity to confuse the public. The question of this Paper, Sessional Paper No. 10 is not as simple as many people think. The Members in this House must know that the Paper that it is in question, Mr. Speaker, is purely ideological. Therefore, we must have ample time to debate this Paper, and we must also be given ample time to get the intellectual forces of this country in Government offices. Also, the party, that is Kikuyu, determined the Paper, and the welfare of the different people in the country, and also tried to get the county councils, and representatives

Mr. Kaggia: Mr. Speaker, will the Minister accept the fact that to stop me from addressing a meeting while I can attend a meeting is not protection at all?

Dr. Mungai: Mr. Speaker, Sir, after an hon. Member has complained to me and asked me to use all means at my disposal, as I think fit, to protect him, and I believe this is one of the ways of protecting him, I am going to protect him as he requested.

Mr. Kaggia: Mr. Speaker, as this only happened in the last two weeks and this appeal was with the Minister about a month ago, what other measures of protection has he given me before this?

Dr. Mungai: Mr. Speaker, Sir, I ordered all my Ministry and the police to watch over him so that nothing befall him, and I do not have to report all the methods I used because he is very well protected and nothing can happen to him.

Mr. Anyieni: Mr. Speaker, Sir, reading from the Press, Mr. Speaker, sometime at the beginning of this week, we understand that some people said that they did not want the hon. Member in the area and as such if he was allowed to continue with more meetings that there was the possibility that there could be bloodshed. What steps has the Ministry taken to make sure that people will not be threatened in front of the President and in front of the Government that there is going to be bloodshed?

The Speaker (Mr. Slade): I think you have rather come away from the point.

Mr. Anyieni: Because this was in connexion with the protection of Mr. Kaggia, Mr. Speaker.

The Speaker (Mr. Slade): Well, let us keep to that.

Mr. Anyieni: Mr. Speaker, Sir, if I may ask that type of question, I think it was on Monday that we read that some people in the area were saying that they would not like hon. Mr. Kaggia to hold a public meeting and as such if he had one, and the Minister is now talking about the safety of the Member, there was a possibility of bloodshed. I am asking now, what steps is the Minister taking to make sure that people will not go to the President to threaten Mr. Kaggia with bloodshed?

Dr. Mungai: All methods at my means.

Mr. Shikuku: Arising from the previous reply by the Minister to the effect that he is protecting the hon. Member, Mr. Kaggia, by cancelling the meetings, is he aware, or does he not agree with

Mr. Kaggia when he said that he was present at the meeting, and he was prohibited from speaking. Being present at the meeting and being prohibited from speaking, is that a protection in itself, when one is exposed to the public?

Dr. Mungai: Mr. Speaker, Sir, we have to determine the best method on the spot of protecting the individual who is involved and we determined that this was one of the best ways at that particular place rather than to have him stand up and address a crowd where everybody is, when we are not sure what they will do and that is what we did, and as you can see, the results were perfect!

Mr. Kaggia: Mr. Speaker, will the Minister agree with me that he is so scared of my term and that is why he is trying to close my mouth?

Dr. Mungai: Mr. Speaker, Sir, my arm is not that long that I can touch his mouth when he is sitting on this side.

Mr. Gachago: Mr. Speaker, Sir, on a point of order, the thing which is under reference is whether my constituency and I—the two meetings which were in my constituency and I can prove these were not Mr. Kaggia's meetings—is it in order for him to say or to ask the Government why the Government prohibited his meetings, when they were not actually his?

The Speaker (Mr. Slade): Yes, of course, it is in order. It may be inaccurate, which is quite a different matter.

Mr. Kaggia: On a point of order, Mr. Speaker, I would like before I bring my point of order, I would like to correct that, that this was my meeting as the Chairman of Kamu, whether it was his constituency or anybody's constituency—

The Speaker (Mr. Slade): That cannot be done as a point of order.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE: CANCELLATION OF MEMBER'S MEETING

Mr. Kaggia: Now, Mr. Speaker, in view of the very unsatisfactory answer, I would like to take this matter up on an adjournment.

POINT OF ORDER

CONDUCT IN THE CHAMBER AND SPEAKER'S AUTHORITY

Mr. Anyieni: Mr. Speaker, I have two points of order, to raise. I have already informed you

[Mr. Anyieni]

The first point of order, Mr. Speaker, is that in the history of this House since we were elected, sometimes hon. Members have made statements and you have suggested or you have requested them to withdraw in the interests of the smooth running of this House. For the first time in the history of this House, since some of us came to this House, yesterday the hon. Minister for Economic Planning did say something that was rather offensive to the hon. Member, Mr. Khalif. Mr. Speaker, you suggested to the hon. Mr. Mboya that you thought it best that he withdraw it. Then, the hon. Mr. Mboya did refuse to withdraw. I remember a second time you asked him and he refused. Later on, Mr. Speaker you said it was all right and we could continue. Mr. Speaker, I would like to find out and as a result, Mr. Speaker, before I say what I want to say, as a result of the hon. Member's offence and there was injustice from the Chair, he protested for the first time in this House and he walked out of this House of his own accord. Now, Mr. Speaker, I would like to ask the conditions whereby after you have suggested that a Member's remark was not proper and that he must withdraw it, then you stand down and say that the hon. Member's refusal stands, because Mr. Speaker, this is setting a very dangerous precedent for the future.

The Speaker (Mr. Slade): I think it is a good thing that Mr. Anyieni has raised this point of order, if there is any question of injustice or discrimination in the way I conduct proceedings of this House; and it is important that the hon. Members should understand by what rules I am guided in these matters.

The methods available to the Speaker for maintaining the order and dignity of the House vary very considerably. They vary from advice or appeal to Members, through mild rebuke, right on to the final sanction of naming a Member and inviting the House to suspend him from the service of the House. Now, the particular incident to which Mr. Anyieni has referred, was a case where Mr. Mboya spoke to Mr. Khalif in a way that I thought was rather rude, and I said so. Mr. Khalif, not I. Mr. Khalif asked that Mr. Mboya should withdraw what he said. As Mr. Anyieni says, I suggested to Mr. Mboya, not twice but once, that he should withdraw. Mr. Mboya refused to do so. Now I had two alternatives there, I had the alternative of insisting that Mr. Mboya withdraw and sending him out of the Chamber if he refused to, or of considering that it was not serious enough to justify insistence on withdrawal, even though I regretted

his refusal to withdraw. That is the line I took, because though I recorded my disapproval of the remark and of Mr. Mboya's refusal to withdraw, it was not a case in which I felt justified to insist on withdrawal. That will happen again, it will happen to any Member where I rebuke him or possibly advise him, but he does not totally accept my rebuke or my advice.

A direction is another thing. If I give a direction and the Member disregards it, that is misconduct and he has to be sent from the Chamber. It was not so in this case. I would say another thing. The authority of the Speaker is not the only sanction for the conduct of Members in this House. There is a far more important sanction than anything the Speaker can say or do, and that is the opinion of the House and the standing of a Member with his colleagues. It may well be that the Member is not subjected to any punishment by the Speaker, but lowers himself in the eyes not only of the Speaker but of the House by his conduct. That sometimes, I say is a stronger sanction. I think always that hon. Members must leave it to the Speaker to decide how far to go on any particular occasion, and trust him as far as they can to be impartial and do what he thinks is in the best interest of the House as a whole.

The Assistant Minister, President's Office (Mr. Nyamwaya): On a point of order, Mr. Speaker, Sir, in view of the fact that the hon. Member who walked out yesterday in protest had used offensive remarks when I was dealing with his question, I quote from the HANSARD—"I am very glad to simplify the question for my ignorant Assistant Minister"—and be repeated, and I quote again from the HANSARD—"when the hon. Minister for Economic Planning and his Development was dealing with another of his questions, he said, 'Sir, it seems that the Minister has only indicated his ignorance regarding this question.' Does this not equally apply that the Member was very impolite to people who had not been offensive to him at all?"

The Speaker (Mr. Slade): I would point out to two wrongs do not make a right, and we that cannot now go over all the other mistakes that hon. Members have made in their language; but hon. Members have made in their language; but it is not a bad example of the same thing might have given of where exactly the same thing might have happened. If, when Mr. Khalif called Mr. Nyamwaya ignorant and I commented that the Member was rude, Mr. Nyamwaya had asked Mr. Khalif to withdraw and I had said to Mr. Khalif "I think you ought to withdraw that," and Mr. Khalif refused, then I do not think I would

[The Assistant Minister for Internal Security and Defence]

Member would advise me of any specific instance where the sentence passed indicated such an attitude.

Mr. Ngala-Abok: Mr. Speaker, Sir, regardless of my advising the hon. Assistant Minister, would the Assistant Minister confirm here and now that in future the fines in Mombasa will not be Sh. 5, for the illegal sale of milk, and yet the fine in Nairobi is Sh. 900 and in Nakuru is Sh. 200 and in Kisumu is Sh. 70? Will he confirm that he will give instructions that there should be no difference in fines because it is one offence and the fines in the towns of this country are so different?

Mr. Argywings-Kodhek: Mr. Speaker, I am glad that we have mirth expressed by certain hon. Members.

It appears to me that the hon. Member is thinking of an entirely different Act. If he were thinking of the Dairy Industry Act, it would be a different matter. It appears now that he is talking about the Public Health Act, and under section 18 of this Act, what really happens is that the fines are very small, sometimes only Sh. 30, but under the Dairy Industry Act, which the Kenya Government supports, fines are between Sh. 2,000 and Sh. 10,000 with corresponding heavy sentences of imprisonment.

Mr. Ngala-Abok: Mr. Speaker, with due respect, we are not all lawyers! Would the Assistant Minister tell me, just from the point of view of the question on the Order Paper—he knows what I am referring to—the illegal sales of milk—and he should also know the Act to which I am referring, under which the illegal sale of milk can be penalized by fines levied on the people who sell the milk illegally. Would the Assistant Minister tell me why there is a difference in fines which make me feel that certain magistrates treat them as minor offences, in which case the fines are too low?

Mr. Argywings-Kodhek: Mr. Speaker, the question really refers to the dairy industry. Section 18 of the Public Health Act deals with the unlicensed sale of milk and, under the general penalties the maximum fine for the offence is Sh. 500 or imprisonment not exceeding two months.

Offences under the Public Health Act have a lower fine and usually they come from Mombasa, but these are not fines in the question which was put by the hon. Member. Might I add here, for the sake of the hon. Member and those who think like he does, that there are provisions

under the Public Health Act regulations for imposing heavier fines, for instance, on a person who sells contaminated milk. But the Public Health Act (Cap. 242, Laws of Kenya) deals with people who sell milk illegally and have a licence.

Mr. Anyieni: Mr. Speaker, Sir, my ex-lawyer friend just said that there are two Acts—

Mr. ole Tiji: On a point of order, Mr. Speaker, is it true to say "my ex-lawyer"?

The Speaker (Mr. Slade): I do not know. I think we had better carry on.

Mr. Anyieni: Mr. Speaker, the hon. Assistant Minister has just said that there are two laws, one by Government and one recognized by Government, under which people who sell milk illegally could be penalized. How is it that this law is not applicable to Kisii where the illegal selling of milk is destroying the dairy industry in Kisii District?

Mr. Argywings-Kodhek: Mr. Speaker, that is an important and interesting question. The people who sell milk illegally—and I can tell the House that the Government is quite aware of them because some of them, as a matter of fact, are very big and fat people who carry illegal milk for sale in the boots of their cars—have been known and they will be prosecuted under Cap. 242 of the Public Health Act.

As regards the matter of Kisii District which is also part of Kenya, there, too, if anybody is caught or if anyone is reported to be selling milk illegally, he will be dealt with under the appropriate Act.

The Speaker (Mr. Slade): We will go on now.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, supposing I substantiate my figures, will the Assistant Minister apologise for his very appalling answer, or what will he do, because he has treated me as if I am ignorant of the question which I asked? I am willing to substantiate in forty-eight hours.

The Speaker (Mr. Slade): The further the Minister went was to suggest you were confused two laws and the fines imposed under those two separate laws, in which there is no offence if you can prove him to be wrong in anything he has said, as I have said before, then he will be expected to come and acknowledge that fact to the House, but I do not quite see where you are going to prove him wrong. I do not think you should be offended by the form of his answer.

QUESTION BY PRIVATE NOTICE**CANCELLATION OF MEMBER'S MEETING WITHOUT NOTICE**

The Speaker (Mr. Slade): Mr. Kaggia, I think you have a question by private notice? This is to the President's Office?

Mr. Kaggia: Mr. Speaker, Sir, I do not know if it is to the President's Office or the Ministry of Internal Security.

The Speaker (Mr. Slade): Which Minister will be answering?

The Minister for Internal Security and Defence (Dr. Mungai): To whom was the question directed, Mr. Speaker, Sir?

The Speaker (Mr. Slade): I understand he directed it to your Ministry, Dr. Mungai, but, at your request, it was passed on to the President's Office.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I have not been informed of any question by private notice. However, I would like the hon. Member to ask it and then we will see about answering it.

Mr. Anyieni: On a point of order, Mr. Speaker, in view of the fact the hon. questioner would like an answer prepared by the Minister, would it be in order if the Minister could get the question and it could be raised tomorrow instead of today?

The Speaker (Mr. Slade): I think we had better see. The Ministry was definitely notified of this question, though it may well transpire that the Minister himself has not received that notice and is not in a position to answer the question immediately. He can, if he likes, say that he would rather have a little time and answer it tomorrow.

Mr. Kaggia: On a point of order, Mr. Speaker, I would like to explain that I directed this question to the Minister for Internal Security and Defence, and I told him about it, but he told me that this does not concern his Ministry, it concerns the Office of the President. Then I gave notice to the Assistant Minister in the President's Office and here, before this question came up, I approached the Assistant Minister in the President's Office and he told me definitely that it is the Minister for Internal Security and Defence who was going to answer my question.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, we are not disagreeing about the question, we are quite willing to

answer it either on behalf of the President's Office or Internal Security; I just wanted to make it very clear that when this question was mentioned yesterday—I do not even know what question is being put forward, whether it is the one he mentioned when we were walking towards my car yesterday. It was only casually mentioned, not even in writing and no notice was even given to me that it was going to come up.

The Speaker (Mr. Slade): I do not think we will worry about these points of order. Let us have the question, Mr. Kaggia.

Mr. Kaggia: My question, Mr. Speaker, is: Will the Minister tell this House why my meeting, scheduled to be held at Kahuro, Murang'a, on 18th April 1965 was cancelled by the police without notice, and why I was not allowed to address my meeting held at the same place on 2nd May 1965?

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, in that case, on behalf of either the President's Office or the Ministry of Internal Security, I beg to reply.

Previous to that, the hon. Member himself had come to me to tell me that he has, maybe, too many people in Fort Hall who have a dislike of him and he needed protection. This is one of the ways in which we decided to protect him, not to have him making a speech at a public meeting in Fort Hall where he would just be exposed. He said that I should use all means at my disposal to protect him because of this, and, Mr. Speaker, Sir, I did the best I could and now we have proven that the hon. Member from Kandara is in no danger at all and he can hold a meeting, if he pleases, just as the President told the petitioners who went to Gatundu the other day, asking him for his resignation.

Mr. Kaggia: Mr. Speaker, in view of the fact that the only protection I ask of the Government was for the issue of a firearm, and the Minister refused this protection, does he agree with me that the answer he has given is not correct?

Dr. Mungai: Mr. Speaker, Sir, I do not agree. There is a method of issuing firearms and you do not apply directly to the Ministry; you apply directly to the Firearms Bureau or the local police and then the application is transmitted upwards. When the hon. Member did ask me, I actually said he should make an appointment himself to see the right people, so that this could be fulfilled, and now we have proven there is no danger at all and the hon. Member can continue holding his meetings; and my answer was quite correct.

[Mr. Ngala] relation to the work of providing water starting immediately this month, could he say exactly which place he is starting this construction for water in Kilifi District?

Mr. Mohamed: Mr. Speaker, I do not have these details at the moment, but a technician from the Water Department is at the moment in that area, working on the definite plan and on his return I will be able to supply the information to the hon. Member.

Mr. Ngala: Mr. Speaker, Sir, would the Assistant Minister not agree with me that the water survey in the hinterland of Kilifi and Kwale has been going on for the last five years without anything practical being done while people are starving for water in this area?

Mr. Mohamed: Mr. Speaker, although it may be so, that a survey has been carried out, there are other factors relating to the water supply such as finance, and here the county councils also have a responsibility. Where the county councils are able to provide their share of finance, work is speeded up for that area.

Mr. Somo: Mr. Speaker, would the Assistant Minister tell the House, as the plan has been carried out over the last five years, how many more years there are to come before the plan will be implemented?

Mr. Mohamed: Mr. Speaker, I have been very specific about this. I have said that it is planned to start dam construction in the Kilifi area later this month or at the beginning of next month, and, therefore, the question of waiting for any more years does not arise. It is now only a matter of weeks.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 2043: WATER DEVELOPMENT PROJECTS, KILIFI AND KWALE

Mr. Ngala: On a point of order, in view of the very unsatisfactory reply by the Assistant Minister, I would like to move this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 2051.

WATER SUPPLIES FOR AKAMBA PEOPLE

Mr. Ndile asked the Minister for Natural Resources and Wildlife if he would instruct the Water Apportionment Board in his Ministry to supply Kilulini and Kathyaka inhabitants with five cusecs of water from

Kibwezi River since the board had repeatedly refused water requests made by Kikumbugu people in the past.

The Assistant Minister for Natural Resources and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. I would like to explain to hon. Members, first of all, what is meant by cusec. One cusec of water is the amount of water passing a given point, including feet per second. It is equivalent to about 500,000 gallons per day. Except in times of exceptional rainfall the entire normal flow of the Kibwezi River is below five cusecs. My Ministry cannot, therefore, allocate the entire flow of this river to the people of Kikumbugu to the detriment of other people further downstream. An amount of five cusecs of water is equivalent to approximately 2½ million gallons per day, and would be excessive for the number of people residing in the area. In fact, Mr. Speaker, the Kikumbugu people are not using the full amount of cusecs per day allocated to them for the irrigation purpose.

Mr. Ndile: Mr. Speaker, Sir, is the Assistant Minister aware that due to 1961 rain, the cusecs of water from the Kibwezi River were ten and not five as he has said?

Mr. Mohamed: Mr. Speaker, I have explained that it may have risen during the rainy period and may have risen during the early rainfall, but the normal flow is five cusecs in total. If there was a rise of water in particular areas, the Water Apportionment Board cannot allocate that the flow will continue for ever, because these rivers are based on rainfall.

Question No. 2042

ASSISTANCE FOR MOMBASA AFRICANS TO FORM CO-OPERATIVE SOCIETIES

Mr. Ngala asked the Minister for Co-operatives and Marketing if he would explain whether he intended to help the Mombasa Africans to put into operation their suggestions of running a co-operative society to sell *matingsi* and other forms of *pombe* in the municipal area.

The Minister for Information, Broadcasting and Tourism (Mr. Achiong-Onoko): Mr. Speaker, Sir, on behalf of my colleague the Minister for Co-operatives and Marketing, I beg to reply.

Shortage of suitably qualified staff has had the effect of restricting expansion of co-operative development in the Coast Province.

This position will be rectified as quickly as possible from personnel at present undergoing comprehensive training.

[The Minister for Information, Broadcasting and Tourism] Priority will subsequently be given to co-operative development projects which will promote economic development of an area.

If the hon. Member is of the opinion that sales promotion of *pombe* will promote such development, the Ministry would consider the proposal and, if feasible, assist as necessary.

Mr. Ngala: Mr. Speaker, arising from the Minister's reply, would he not agree with me that the question of *matingsi* and *pombe*, as an economic industry in Mombasa, is mainly around Mombasa District where three co-operative society officers are stationed by the Government, and this could be started immediately?

Mr. Mohamed: On a point of order, some of us do not have a Swahili dictionary and we do not know what *matingsi* is.

The Speaker (Mr. Slade): I do not think that was strictly a point of order. It is quite true that English is the official language of this House but vernacular words in common use are often allowed. Perhaps Mr. Ngala or the Minister will tell the House what *matingsi* is.

Mr. Achiong-Onoko: Mr. Speaker, I presumed that the hon. Members knew of the word "*matingsi*". It is a kind of drink.

Mr. Speaker, Sir, I have already replied and I said that personnel training is being undergone and we hope that as soon as these staff are ready, they will be able to start doing something for this particular co-operative society.

Mr. Ngala: Mr. Speaker, Sir, for those who do not know *matingsi*, it is the ordinary drink that I will give you if you visit me in Mombasa.

Mr. Speaker, arising from the reply of the Minister, could he tell me why there is this discrimination as between a *matingsi* or *pombe* co-operative society, and other forms of co-operative societies which are already in operation in the same area where his officers are supervising in the work?

Mr. Achiong-Onoko: Mr. Speaker, I am being asked to explain if we intend to help Mombasa Africans to effect their idea of running co-operative societies to sell *matingsi* and other forms of *pombe* in the municipal area, and I have already explained that.

Question No. 2065

FARM MACHINERY ASSEMBLY PLANT IN ELDORET

Mr. Twisel asked the Minister for Co-operatives and Marketing whether, in view of

the fact that the farmers in Usain Gijubu found it difficult to get farm machinery, the Minister would establish a big assembly plant in Eldoret?

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, I beg to reply. I find it difficult to believe that the difficulty experienced by the farmers is due to shortage of machinery in this area. The Member will be glad to know that at Eldoret there is a big assembly plant for some farm machinery. I would like also to point out that there are workshops also in Eldoret which recondition second-hand machinery and the Ministry, therefore, feels that Eldoret has adequate facilities to cater for the farmers in the area, although the idea of assembling itself is appreciated.

Mr. Twisel: Mr. Speaker, Sir, will the Minister tell the House, in view of the fact that when the white settlers and Afrikaners left the country they took most of their necessary machinery with them such as combine harvesters and tractors, to South Africa and left the old ones, and that place he is referring to now does not accept the machinery that was left behind, what is he going to do about it?

Dr. Kioko: Mr. Speaker, Sir, individual farmers may have taken away their own belongings, including machinery, but the facts are that the shops selling farm machinery in Eldoret were not closed, and if the hon. Member has money to buy a piece of good farm machinery, he can be provided with it in Eldoret.

Mr. Chege: Mr. Speaker, may I know from the Minister whether any officer from his Ministry has ever visited this area, Eldoret?

Dr. Kioko: Mr. Speaker, Sir, I have been in Eldoret three times during the last four months.

Question No. 2067

ILLEGAL MILK SALES AS MINOR OFFENCES

Mr. Ngala-Abok asked the Attorney-General to state that, since it was the Government's policy to support an organized dairy industry in Kenya, why were convictions of illegal milk sales being treated by some magistrates as minor offences.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply on behalf of my friend and colleague, the Attorney-General. I am not aware that any serious offences relating to the sale of milk have been treated by magistrates as sale of milk offences, and I should be glad if the hon.

Mr. Anyleni: Mr. Speaker, Sir, since caning is used as a disciplinary measure, could the Assistant Minister tell this House why these students were caned first before they were expelled as the caning was not in this case used to discipline them?

Mr. Konchellah: Mr. Speaker, Sir, every school has different methods of punishing students, it might be that caning is one of the punishments, it might be that the second punishment is to expel the boy or a child from school, so if they were caned it means they were caned and brought back to school and again they went against the school rules and that is the reason why they were asked to go away.

Mr. Tanni: Mr. Speaker, Sir, can the Assistant Minister tell us the length of time between the time they were caned and the time they were sent away?

Mr. Konchellah: Mr. Speaker, Sir, at the moment I am not ready to give the dates of when the boys were caned, as I think that it was a very minor case as to when the child was caned and also I cannot give the date when they were expelled.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 2071:
EXPULSION OF LUO STUDENTS FROM MASENO.

Mr. Nyralicki: On a point of order, Mr. Speaker. Arising from the unsatisfactory reply of the Assistant Minister, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 2082

RECOGNITION OF INDIAN GRADUATES

Mr. Nülle: On a point of order, Mr. Speaker. On Question 2082, it should be slightly different from the question as printed on the Order Paper.

Mr. Nülle asked the Minister for Education:—

- If the Minister would tell the House why his Ministry did not recognize graduates from Bombay, Madras, Calcutta and Delhi Universities as being from an approved university?
- Why was a licensed teacher graduate from Delhi University not placed on the £804-1,710 scale?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Foreign degrees obtained by Kenya citizens are evaluated against degrees conferred by the University of East Africa and the Ministry of Education must be satisfied that such foreign degrees are equivalent to similar degrees of the University of East Africa.

It should also be noted that Kenya is setting up her own standards as a sovereign country and she cannot, therefore, accept any degree indiscriminately. This is more so, when graduates of foreign institutions seek employment in the teaching profession, where the Ministry has to apply its own standard in selecting teachers for various grades.

Government policy, on the whole, is not to discriminate against any qualifications on the basis of the country of origin, especially if such qualifications are recognized in that country, but it does, as a sovereign state, reserve the right to examine all foreign qualifications in the light of its own manpower requirements, in comparison and against the standard and quality of degrees awarded by the University of East Africa.

However, practical difficulties in determining the quality of foreign degrees has led Government to consider the setting up of Public Examinations to assess and evaluate degrees obtained from countries outside East Africa wherever they may be.

Mr. Gichoya: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, and in view of the fact that the question as it stands is to find out as to whether degrees from Bombay University, Madras, Calcutta and other Indian universities are actually recognized by the Kenyan Government, could the Assistant Minister consider these rather than run away from the question?

Mr. Mutiso: Mr. Speaker, Sir, I think I have already explained to the hon. Members that we have our own standards whereby any Kenyan citizen who has acquired a degree which is recognized by a particular country where he studied is examined. We do not discriminate but we have to organize some public examinations to verify that degree.

Mr. Mibogohi: Mr. Speaker, Sir, in view of the fact that quite a number of Members of this House hold degrees which are not recognized by the Kenyan Government, will the Assistant Minister assure this House that no degrees will be recognized until they conform with East African standards?

Mr. Mutiso: Mr. Speaker, Sir, I cannot give that assurance but when a person who holds any specific degree wants to take up the teaching profession, then I think that that is where I can give the assurance, but on general administration then I cannot.

Mr. Gatiguta: Mr. Speaker, Sir, arising from one of the replies, I do agree that any foreign degrees should conform with the standard laid down by the East African Universities, but we want to know whether the Kenya Government recognizes, or not, the degrees from Bombay, Madras, Calcutta and Delhi Universities? We want a direct answer. Could the Assistant Minister say either yes or no?

Mr. Mutiso: Mr. Speaker, Sir, I think I have answered that question.

Question No. 2026

BIRTH CONTROL FOR ASIANS

Mr. Khalif asked the Minister for Health and Housing whether, in view of the fact that the Asian population in Kenya was growing beyond expectation, the Government would consider introducing legislation to control Asian births.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The fact is that the number of Asian births in this country is now on the decrease. The Asian population is not therefore, growing beyond expectation.

Mr. Khalif: Mr. Speaker, Sir, arising from the reply of the hon. Assistant Minister, would the Assistant Minister tell us what he meant by "decrease"?

Mr. Moss: Mr. Speaker, Sir, I think if it is lack of vocabulary, I should expound a little so that the hon. Member can understand what I meant by "decrease". From the figures available in the records in this department, it appears from the Statistical Abstract for 1964 to be as follows. The total population of Kenya as at 30th June 1964 was 9,104,000 people. The total Asian population on 30th June 1964 was 183,000 people. The percentage increase of Asians for the last three years averages two. The percentage increase of the total population average is 3 per cent. The term Asian as used by a person whose ancestors come from the sub-continent of India, that is Indians, Pakistanis or Goans. It does not include Arabs, who are shown separately in the statistical record, similarly Chinese, Japanese or persons from some other far Eastern countries

who have been classed by us as "others". The latter category also includes persons of mixed race and those whose race was not stated in the census returns. I would add that the total of Asian births registered throughout the country during the last three years is as follows: 1962, 4,962; 1963, 5,292; and 1964, 4,870. Therefore, the question does not arise Mr. Speaker, Sir, as to whether these people are on the increase.

Mr. ole Tiji: Mr. Speaker, Sir, can we have a specific answer from the Assistant Minister as to the reasons for the decrease of the Asian population? Is it due to the Asians leaving the country, or is it due to the drop in their birth rate?

Mr. Moss: Mr. Speaker, Sir, it is due to nature.

Question No. 2043

WATER DEVELOPMENT PROJECTS: KILIFI AND KWALE

Mr. Ngala asked the Minister for Natural Resources and Wildlife if he would state, firstly, what water development projects were envisaged for the hinterland of Kilifi and Kwale Districts during the Six-year Development Plan; and, secondly, whether he was considering installing a second water pipe from Mizima Springs, through Manungu and Mackinnon Road, to provide water for irrigation and livestock in Kwale.

The Assistant Minister for Natural Resources and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. Depending on the availability of finance, my Ministry is planning the expenditure of £30,000 in providing water supplies at Kilifi, Gedi, Roka and Sakoli. It is planned to start a dam construction in the Kilifi hinterland later this month or at the beginning of June. A dam construction programme in the Kwale hinterland is also under consideration, but, at present, this is held up by the refusal of the people of Kwale to accept the advice of technical officers in matters of stock control.

In answer to the second part of the question, there are no proposals for installing a second pipe line from the Mizima Springs at present. The installation of such a pipe-line would cost over £1 million and would necessitate the charge of very high water rates to all people using the water. There would be no economic return from such a supply, in view of the fact that there are no suitable areas for economic irrigation in the hinterland of the Kwale District.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply of the Assistant Minister, particularly in

[The Minister for Internal Security and Defence] returned and was caught, he definitely would go directly to prison. The rumours are, therefore, unfounded and I would ask the hon. Member if he has any information of the whereabouts of this man, to let us know so that we can fulfil what we have just said.

Also, it seems as if the same hon. Member, from the same area, is coming out with many rumours about people who have been banished and are coming back to Kenya.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House whether he has received any reports from the Special Branch in Mombasa to that effect?

Dr. Mungai: Mr. Speaker, Sir, I would not disclose the Special Branch report to this House because it is not the thing to do, and besides, I have just said that Mr. Henderson has not returned, and if he did return, I have told the hon. Member what we would do with him.

Mr. Shikuku: Arising from the previous reply by the Minister, to the effect that if Mr. Henderson was found in Kenya he would be sent straight to gaol, would he not agree with me that the proper procedure would be that he will be taken to court, to be proved that he is Mr. Henderson before he is sent to gaol?

Dr. Mungai: Mr. Speaker, how could you take anybody to gaol before you know who he is? Therefore, if the hon. Member is so sure that this man has returned to Kenya and he can be identified as Mr. Ian Henderson, I assure you that this will be done. It does not matter what methods are used to prove that he is Mr. Henderson.

The Speaker (Mr. Slade): I think we are getting a bit beyond the point of the question now.

Mr. Balala: Mr. Speaker, in view of the fact that senior European police officers have high regard towards Ian Henderson, and since the top posts in the police are still being held by European officers, does the Minister agree with me that these senior police officers, including the Special Branch, who used to hold these posts at the time when these rumours were rife, there is a possibility of such officers giving coverage to such an officer if he came back illegally?

Dr. Mungai: Mr. Speaker, that is entirely wrong. We have non-European officers as intelligence officers in the Coast.

Mr. Mollro: Mr. Speaker, arising from the original reply, would the Minister find out from the hon. questioner why he bases his question on rumours rather than facts?

Dr. Mungai: Mr. Speaker, I will be most happy for the hon. Member to tell us why he bases his question on rumours, which I have said is not the first one, because there was one before. Rather than ask me, I would be pleased to hear from the hon. Member and also advise him best time to base his questions on facts.

Mr. Gatwaga: On a point of Order, Sir, is it in order for an hon. Member to help another hon. Member who is not feeling well out of the House?

An hon. Member: Somebody is dying here!

The Speaker (Mr. Slade): If the hon. Member is unable to stand, perhaps hon. Members will help him out.

An hon. Member cannot be compelled to go if he does not want to.

Mr. Khalif, were you rising on a point of order?

Mr. Khalif: Yes, Sir.

The point of order was on what you had just given a ruling, Sir. I was just trying to say whether it is in order to move an hon. Member of Parliament who does not wish to go out.

The Speaker (Mr. Slade): Not unless he is misbehaving or too ill to go out by himself.

Question No. 2057

EUROPEAN POLICE OFFICERS IN COAST PROVINCE

Mr. Balala asked the Minister for Internal Security and Defence how many European police officers were engaged in different sections of the Police Force in the Coast Province, and what their respective ranks were.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. The answer is nineteen, Sir. The Assistant Commissioner of Police, Senior Superintendent of Police, Superintendent of Police, Assistant Superintendent of Police, Chief Inspector of Police, Inspector of Police are amongst them.

Mr. Balala: Mr. Speaker, can the Minister tell this House when the terms of service of these officers will be terminated, and are the positions to be Africanized after such terms of service have expired?

Dr. Mungai: Mr. Speaker, Sir, this has been very well discussed in the Africanization Committee, of which the Vice-President is chairman and has been determined and the information will be released in due course and at the right time.

Mr. Kamuren: Mr. Speaker, Sir, arising from one of the Minister's replies, that the information will be released in due course, will he tell us how soon it will be released?

Dr. Mungai: At the pleasure of the chairman of the committee and I am not the one to release it and he will do so when he feels it is the right and proper time to release it.

Mr. Omar: Mr. Speaker, Sir, would the Minister give an assurance in this House that the missing posts will not be Africanized by the Arabs, but by Africans?

Dr. Mungai: I think the hon. Member should know the definition of African as it is different from Arab and I just said Africanized not Arabized.

Question No. 2064

POLICE HOUSING IN ELDORET

Mr. Turwei asked the Minister for Internal Security and Defence if the Minister could tell the House why the police houses in Eldoret were still small mud-built huts situated on the Great North Road visible to distinguished tourists passing through the capital of Uasin Gishu District?

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. A sum of £164,000 has been included in the 1964/70 Development Plan for the construction of a new Divisional Police Headquarters, Police Station and Lines at Eldoret. A contract worth £2,635 has been let for completion of the first two phases, which include living accommodation for inspectors, N.C.O.s and subordinate officers. It is hoped that the first £20,000 will have been spent by the end of June and a balance of £3,000 has been included in the 1965/66 estimate. Once this contract has been completed it will be possible to demolish the "small mud-huts" in which the police are now living, and the hon. Member should know about this.

Question No. 2071

EXPULSION OF LEO STUDENTS FROM MASENO

Mr. Nyaliek asked the Minister for Education to tell the House what his Ministry had done to find out the causes that led to the expulsion of eight Luo students from Maseno Secondary School this year.

The Assistant Minister for Education (Mr. Koochellah): Mr. Speaker, Sir, I beg to reply. The Ministry has taken normal steps to keep

itself informed of the circumstances, which led to the expulsion of eight pupils from Maseno Secondary School. Where a major breach of discipline is involved, as was the case at Maseno, these steps include—

- obtaining telephonic reports from the principal and provincial education officer;
- obtaining written reports from the same sources;
- obtaining records of the proceedings of the school management (i.e. Minutes of Boards of Governors' meetings);
- receiving explanations and comments, concurrently with reports and minutes, from the principal, provincial education officer and manager;
- considering representations from pupils, parents and interested parties, and
- reviewing, confirming, or where advisable revising, the management's decisions (in accordance with section 16 of Legal Notice No. 40 of 1965, amending section 86 of the Education Act);
- dealing with appeals against expulsion and requests for readmission to other schools.

In the case of the outbreak of indiscipline at Maseno School, the first four stages of this procedure have been completed, the fifth and sixth are now being dealt with, and the last has not yet arisen.

Mr. Nyaliek: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House the reasons why the number of boys which went on strike was large and eventually only eight Luo boys were expelled?

Mr. Koochellah: Mr. Speaker, Sir, my Ministry had no information as to whether the strike at Maseno School was based on a tribal basis but on the other hand, out of the students who went on strike, a number came back and we do not know whether a particular group belonging to a certain tribe did not come back, but those who came back and were willing to follow the usual school routine, were allowed to come back and a number came back and some did not.

Mr. Nyaliek: Mr. Speaker, Sir, is the Assistant Minister aware that among the eight boys who were sent away originally, some came back and were given stripes by the headmaster? Eventually, they were sent away. What was the reason, I would like to know, Mr. Speaker?

Mr. Koochellah: Mr. Speaker, Sir, the reason is that these students refused to follow the usual school routine.

[The Assistant Minister for Lands and Settlement] we mainly look upon the British Government because the British Government has been so generous and it is common knowledge of this House and of this country that the British Government has done a lot in helping the development of this country. If the hon. Member for Teso contends that the British are still ruling this country, I say here and now that they are not ruling this country, and if they are ruling Teso, then they should get rid of them. I believe this House consists of people who represent free constituencies in free Kenya.

Mr. Speaker, Sir, to conclude my speech, I was wanting to mention the survey services. Most of our operations in land consolidation, land settlement and the general land development are on an efficient survey operation. For a long time—an efficient survey operation. For a long time—and this is one reason why we have not been able to complete some operations, especially in land consolidation—our machinery for surveying has not been as efficient as possible. The aeroplanes which we have been using for mapping we have been borrowing from the East African Common Services Organization, but now the Ministry and the Government is planning to equip one of the aircraft with the most modern equipment so that mapping could be done more efficiently and more quickly, so that land titles could be issued to farmers as quickly as possible, and so that these farmers could carry on with the development of their holdings.

Mr. Speaker, Sir, I would like wholeheartedly to support the Paper on African socialism, because I do believe it is this Paper, and it is the remaining elements of colonialism in some people, who have been thinking that the only leadership is to be able to borrow from another country; that we must go to China and borrow communism, or we must go to America and borrow the head of capitalism. We can develop our own socialism which is founded on our own traditions.

ADJOURNMENT

The Speaker (Mr. Slade): It is 10 near the time for interruption of business that the House is now adjourned until tomorrow, Thursday, 6th May 1965, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1032

DISTRICT COMMISSIONERS AS CHAIRMEN OF COUNTY COUNCILS

Mr. Amin asked the Minister for Local Government if the Minister could tell the House why the district commissioners in the North-Eastern Province were still chairmen of the county councils.

REPLY

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, in the Orders made in 1964 that established the County Councils of Mandera, Wajir and Garissa, provision was made for the Minister for Local Government to nominate a public officer in each district to represent the interests of the public service on the county council and to be the chairman of the county council concerned. The district commissioners were nominated members of the county council and, therefore, automatically, became the chairmen of the respective county councils. The district commissioners remain chairmen of these three county councils, because no amendments or revocations have been made to the Orders that established the county councils. Furthermore, the security situation in the North-Eastern Province, where a state of emergency has been declared, may not warrant a change now.

Thursday, 6th May 1965

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:— Report to National Assembly as required by Article 5 of External Loans (General) Ordinance No. 43 of 1963: International Development Association Credit No. 70 KE (Highway Project).

(By the Minister for Finance (Mr. Gichuru))

NOTICES OF MOTIONS

MOVEMENT RESTRICTIONS: AMERICANS IN KENYA

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

THAT this House views with alarm the activities of the American Central Intelligence Agency (C.I.A.) agents in Kenya and their apparent attempts to undermine the authority of our President and calls upon the Government to restrict the movement of American nationals in Kenya and to take all other possible precautions against such activities.

INVESTIGATION INTO SECRET MEETINGS

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

THAT in view of the gross disrespect publicly shown by some Members of this House to the Vice-President of the Republic in a manner that tends to undermine the security of the State and in view of the evidence that this unpatriotic attitude originates from nightly secret meetings organized by certain people, this House urges the Government to investigate these meetings so as to establish the nature of what is discussed and who meets the expenditure of the lavish parties which are reported to follow these meetings.

DETENTION WITHOUT TRIAL OF SOMALIS

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

THAT this House notes with great disapproval the act of the sovereign Government of Kenya of detaining innocent Somali

politicians without trial and urges the Government immediately and unconditionally to release all Somali detainees now in detention.

AMENDMENT TO THE BOOKS AND NEWSPAPERS ORDINANCE

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

THAT in view of the fact that the majority of the country's newspapers are owned by foreigners and to enable Africans to establish indigenous newspapers, this House urges the Government to amend the Books and Newspapers Ordinance Cap. 111 of Laws of Kenya so as to remove the necessity of the Sh. 10,000 deposit before a newspaper can be established.

ORAL ANSWERS TO QUESTIONS

Question No. 2050

ABOLITION OF POST OF POLICE PUBLIC RELATIONS OFFICER

Mr. Obok asked the Minister for Internal Security and Defence if he would tell the House why the post of public relations officer in the Police Department was abolished after it had been Africanized.

The Assistant Minister for Internal Security and Defence (Mr. Arwings-Kodhek): Mr. Speaker, Sir, I beg to reply. The post of public relations officer in the Police Department was abolished in the last year's Financial Estimates for reasons of economy, and its African holder was transferred to the Department of Information. My Ministry is satisfied as to the significance of this post and a fresh case for its reinstatement is being prepared.

My Ministry is, however, seeking for this post not merely to cover the Police, but all the armed forces.

Question No. 2056

MR. IAN HENDERSON'S REMOVED RETURN TO KENYA

Mr. Balala asked the Minister for Internal Security and Defence if the Government was aware of the rumours rife in Mombasa that Mr. Ian Henderson, the deported Kenya senior police officer returned to Kenya under the disguise of a priest.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. Mr. Ian Henderson left Kenya on 6th August 1964, and has not subsequently returned. If he

[The Assistant Minister for Lands and Settlement] public that one can accurately and directly describe them as the salesmen of slogans; because the record can show what the Government has done. But the record cannot show what such people have said, and the records can indicate nothing that has been achieved as the result of the use and skill of such slogans.

Mr. Speaker, Sir, therefore I would like to take this opportunity to appeal to hon. Members of this House to support this Government and support their country, and they will soon see that the result of their support will begin to bear some fruit both for themselves and for the country and for the people they represent.

Mr. Speaker, Sir, I would now like to turn to what is generally known as land consolidation although in large part of the country the process of consolidation of fragmented holdings is not required; all that is needed is the enclosure of individual holdings and the issue of registered titles. The benefits of land consolidation are too well known and farmers have gained pieces of land with clear titles to the holdings, and a farmer can develop the whole of his holding with confidence, so that he will reap the whole reward of this labour and he can utilize his title to land and as a security for loans to carry out what development may be on his land. Land consolidation, Mr. Speaker, has been virtually completed in the Central Province, 3 million acres have been demarcated throughout the whole of Kenya, but there is still about 27 million acres to be dealt with, and if we are to get this enormous task completed in the next ten years or so, we must find some means of greatly increasing the amount of money provided annually for this work. In round figures, we have been spending, in recent years about £4 million a year on land consolidation, and registration, but we shall now need to spend something like £3 million a year if we are to complete the job in a reasonable time.

Mr. Speaker, Sir, part of this entire expenditure is found by raising the fees charged to those whose land holdings are being consolidated and registered, possibly by half the cost per acre, and the bulk of the finance will have to be raised from overseas service. A request has been submitted to the British Government for financial aid on this problem and in addition, this Government's technical assistance has been sought by aid of a team of experts in agriculture economy, land tenure and so on to study our land consolidation organization, its method of working and its problems, and to advise them on any progress that can be made, particularly with a view of speeding up the process and reducing the

cost per acre. On this point, Sir, as I have just been referring to our great need to complete land consolidation progress as far as possible, I should like to say a word of warning. While we all look forward to the day when every landowner in Kenya has a registered title deed to his compact and clearly demarcated holding, this process of land consolidation is one that must not be rushed. Anything in the nature of a crash programme would be fatal for the simple reason that registered titles issued as a result of this process cannot be interfered with by the Government by force, once they have been issued, otherwise the whole point of such titles, namely their security, disappears.

If only one such title were to be interfered with, then the confidence of all would be undermined. So it is essential that our land consolidation should take time in individual cases, to be sure of obtaining available evidence as to the validity of the claimant's claim to the holding in question to make sure that as few errors as possible are experienced and actually made. Amongst the most difficult decisions that my Ministry has had to face, are those concerned with the allocation of land consolidation staff to the various districts asking for the service, including Karachuonyo.

Whilst understandably everyone wants his own location to be dealt with right away, the Government cannot do this, for two very good reasons. If we had the money—I think the hon. Member for Shauri Moyo should thank God that he has no problems in his constituency.

Mr. Speaker, Sir, even if we had all the money—about £13 million a year which is the money we require—we do not have the vast array of trained staff which we need, 120,000 strong and so my Ministry has to decide which districts shall be given priority. This has been decided jointly on the demand expressed by the people for this service and on the nature of the agricultural potential of the area. However, Sir, not that practically every farmer who is clamouring for land consolidation, the criteria to be used are the agricultural potential, the degree of land enclosure already achieved themselves on a self-help basis and the amount of co-operation shown by people and their willingness to carry out competently their share of their work in collaboration with the Land Consolidation Department staff on the ground.

Some of the most difficult areas to deal with are mainly those pastoral areas, like the one the hon. Member is mentioning, where practically no private land ownership has existed. Such areas cannot be given a high priority since any

[The Assistant Minister for Lands and Settlement] improvement to the national economy resulting from any money invested in land consolidation would be considered as lower if materialized, and money was invested in high potential areas. But, Mr. Speaker, I would like to make it clear that even then the important factor that cannot be forgotten is the welfare of the people who live in this area, and so a method conforming to the economy of those areas will have to be encouraged to ensure the distribution of development as evenly as possible.

Mr. Speaker, Sir, the policy of the Minister for Lands and Settlement on this question of priority for land consolidation is to clear up the Central Province, to continue the existing programme in other parts of the country, and then to give first priority in respect of additional funds that may be made available for this work. The areas of high potential which are likely to have the best chance of preference are those areas where land survey has already been carried out. In connexion with our application to the British Government for financial assistance, my Ministry has prepared for submission to that Government a programme of work in areas of high potential, the management of 54 million acres, to be completed at a total cost of about £5 million over a period of only six years, and I hope that this has been heard by the Member for Yatta. Some of these areas in question, and I do not propose at this stage to clarify them, are scattered all over Kenya, the only exceptions being the densely arid pastoral areas, like some places in Yatta, where heavy capital investment will be needed before any appreciable benefit can be obtained from the issue of registered titles.

I must make myself clear, Mr. Speaker, on this point. It is only in respect of additional funds that the high potential areas will be given priority. Elsewhere, the existing programme will be continued, and even expanded, and when sufficient additional funds become available in accordance with the order of priority, I realize that the hon. Members from the pastoral areas, like the hon. J. K. Tipia, which are, in the time being, excluded from the order of priority, and from the priority programme, would probably feel that their people are not being treated fairly in that other districts are to have more money for their land consolidation in the next few years than other old districts like Kajjado.

Mr. Speaker, I sympathize with such feelings, but I would like to ask them to try and think of it, and consider this matter mainly and truly on

national lines. If we can increase agricultural production of one populated district by spending an extra sum of money on land consolidation in that district, that is much better for the country's economy, and this will benefit everyone, including the Member for Teso, in the country, indirectly or directly, than spending the same amount of money in a sparsely populated semi-arid, undeveloped area.

Mr. Speaker, I have not said that no land will be developed. What I have said is that certain areas will be treated as priority, because of economic benefits they can bring to all the people of this country, even in areas which will not be given priority. The benefits will be distributed to the whole of the country and not only to those areas, and the food produced in those areas will be enjoyed by the population of this country, and not by the people of the areas where such food is produced. I give an instance, Mr. Speaker, of the production of maize in this country. Maize is only produced in certain areas, and the maize produced in those areas benefits the entire country in those areas where maize is not produced.

Land consolidation, and registration by itself is of considerable value in that it encourages the farmers to exploit the whole of his land-holding and to do so with all the energy at his command. But, to get the full benefit from the process of land, it is necessary to have extension services. It is necessary to provide each farmer with what may be called follow-up services, mainly development loan funds and agricultural extension services. The development loans will enable him to upgrade his cattle and other livestock, to put in water supplies, and so on. The agricultural extension services will provide him with modern farming techniques, and advise on the most suitable crops to grow.

These extension services have been in operation for many years but not anything like a sufficiently large scale to give the very close supervision and training that is required for the transition from hand to mouth subsistence farming to a system of a prosperous cash economy agriculture. The very large sums of money needed to provide the consolidated farmers with these two facilities of development loans and agricultural extension services will have to be found from overseas sources, and it is hoped that the British Government will be able to help us financially for the provision of these services. This does not mean that in everything that we want to develop we always look upon the British Government, we always look upon every possible friend who can help us, but I would like to emphasize here that

[The Minister for Agriculture and Animal Husbandry]

quality of our products and we must keep this up, especially, as the hon. Assistant Minister for Finance says, now that we have coming on in the world synthetics to take over from agricultural products. We are told that sisal, in five years, will virtually not be used for binder twine or for string. At the present moment, 75 per cent of the sisal production in the world is used for binder twine. The synthetic binder twines which are now being sold in America and Europe this year for the first time are made of the surplus gas which comes out of a refinery and is burnt, such as that gas in Mombasa. This is going to be far cheaper than sisal; it is as strong as sisal; it does not rot in rain; and it does not hurt the intestines of the bovine when it eats it. However, not only is sisal in difficulty; we are told that one of the largest companies in the world has made a synthetic cocoa which is impossible to tell from ordinary cocoa. When Mr. Gichuru and I were in the United States, we were given a synthetic lunch. There were many items in this synthetic lunch, at one of the biggest producers in the world, which were impossible to tell and, in fact, some were even better than the proper product. For instance, there was whipped cream which was synthetic; there was meat which was synthetic; all the soups were synthetic; and the fruit was synthetic. This is the great danger which we under-developed countries face and that is why, as far as Kenya is concerned, Sir, we must—and it is written into our document under African socialism—continue in such a way as to produce some of the finest agricultural products in the world, especially from the quantum point of view.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I do not think it is too much repetition to congratulate the Minister and the Government in general for introducing this Paper which, at this stage of our economy, is long overdue, and it will save a lot of time and trouble and will clear up a number of misunderstandings.

Mr. Speaker, Sir, while speaking on this, I would like particularly to emphasize all the applications of African socialism on land and land tenure. Land is the ultimate foundation of every aspect of our nation's economic growth. The classified economists define land, labour and capital as being the three fundamental agents of production, without which economic progress would not be made, and of the three, land has the prior place. The farmer must have land on which to plant his crops and graze his herds, but,

equally, those who are engaged in commerce and industry must have land upon which to build their shops, warehouses and factories. There must be land in Kenya's towns and cities for the housing of our growing population and for the essential public services provided by such organizations as the Railways and the Post Office, and so on.

Beneath the land, too, lies a proportion of the national wealth and it is necessary to ensure that land is available for the purpose of excavation of minerals where the geologists have determined that mining can profitably be carried on. In short, Mr. Speaker, land is our country's greatest single asset, and it is the policy of the Government that it must be used and developed in the best interests of the nation and of the people of Kenya. In carrying out this policy, arrangements will be made to facilitate a more efficient system of farming and a more equitable distribution of the resultant output. There will have to be a programme of measures designed to eliminate those obstacles to economic and social development which arise from defects in the agrarian structure. The programme must, therefore, include amongst all other things the following: the provision of opportunities for ownership of land, including the establishment of settlement schemes for those at present landless; the granting of secure title to land, so as to encourage the full development of it and to provide security for loans and facilities such as development; the improvement of techniques and of tenant conditions by reduction of excessive rents and by increasing security of tenure and of rights in improvements made by them on their holdings; the improvement of employment conditions and opportunities for agricultural labour; the protection of cultivators living under tribal, communal and other traditional forms of tenure by means of consolidation of scattered holdings into farms of economic size and the issue of secure titles; the extension of long- and medium-term agricultural credits at low rates of interest; the organization of farm machinery services, fiscal and financial policy in relation to land reform, including tax measures to promote improved land utilization and distribution; measures designed to ensure effective soil and water conservation through forestry development and the economic use of the limited water supplies we have; and other related measures such as the establishment of research centres for agricultural research or educational services that are required in improving our technicalities.

Now, Mr. Speaker, let us first briefly examine the Government's efforts so as to relate to our

[The Assistant Minister for Lands and Settlement]

future development. Since the Government took office, we have given a fresh impetus to the land settlement programme. It was a fitting prelude to Uhuru that in November, 1963, we established over 3,000 families in ownership of former European farms on the Kinangop and elsewhere in Kenya.

This settlement only took us five weeks and I would like the hon. Onolo Agar to hear that. It took the Government only five weeks to settle all these families. Now approximately 1,000 families are being settled each month. The settlement scheme programme accelerated, as I have just said, and it is now on the way to reaching its goal of establishing African farmers on the 1,000,000 acres of land that were formerly owned by Europeans.

I should now like to give some figures of our establishment and future intentions. I am giving figures of part of what is known as our 1,000,000 acre scheme which is now over 800,000 acres. Of this, 600,000 acres have been settled with some 2,000 families. Most of these families were destitute and landless and some unemployed. They have now been given a good opportunity for making a decent living for themselves, even after paying the instalments on the loans they have received from the parties of the land and its development. We plan to purchase a further 20,000 acres in this financial year. As you know, Mr. Speaker, Sir, we have now secured finance to purchase the OI' Kalou acreage. This makes the total land to be purchased during the financial year 1965/66, 375,000 acres. Therefore by the 30th June 1965, the Kenya Government will purchase for land settlement 1,200,000 acres and a further 101,000 acres is due to be purchased in the financial year 1965/66. The total cost of purchasing all this land will be just over £12 million. I would like to repeat, £12 million, Mr. Speaker, while we shall by the end of the programme have given loans to the settlers of all that £74 million for the development of their holdings. I do believe the hon. Member for Karachuonyo is listening.

In addition to all this land purchase by the Government for settlement schemes, Africans will also purchase in the first year or so approximately £550 amounting to 294,000 acres. All these lands were formerly owned by Europeans and have now been re-sold to Africans by Government, either as individuals or in family groups, or companies, or co-operatives. In nearly all these cases the farmer has been given financial assistance provided by the Government through the Land Bank. The Agricultural Finance Corporation has also made

facilities available to the farmers as well. The Government is constantly exploring ways and means to make these terms available to Africans to enable them to buy land. That means they are people, as it is known in this country, who cannot provide the required deposit required by the Land Bank or such other financial institutions. The Government at the moment is engaged in an exercise to explore the possibilities of making these far easier so that both Africans or those Kenyans who cannot afford these deposits will be able to purchase land, because these will have been facilitated. But the funds available are limited and are part of the policy to facilitate the transfer of land ownership from Europeans to Africans. The Government has decided that at least for the time being the Land Bank and the Agricultural Finance Corporation will only lend money to Kenya citizens, and not to any other people.

Mr. Speaker, there have been questions as to how many people have been granted Government loans and given other Government facilities but now the Government has firmly decided that because of the limited funds we have, facilities will only be given to Kenya citizens. We regard this as a necessary measure designed to introduce more and more Africans into productive agriculture by encouraging ownership of land by African in settlement schemes and by encouraging the formation of African groups, companies and co-operative societies. The Government hopes that people will play a more effective part in controlling the agriculture industry in Kenya, and ultimately, perhaps take over the absolute control of agriculture in this country. But, Mr. Speaker, Sir, here let me say that all this the Government has achieved and is planning to continue to do, but this sometimes leads to unfair criticism by politicians who either purposely or by some political miscalculations do not take the time to tell the country and the world what the Government is planning to do and even what the Government has achieved.

Indeed, such politicians exploit the natural and economic problems of the country by indulging in cheap politics, or suggesting that what the Government problem or responsibility is, is also Government problem or responsibility is, is also Government problem. Mr. Speaker, I say this because some of our politicians say that the Government has failed to do this. They once appointed themselves and aligned themselves, and said that they want to do this, they want to make their books good and this books of the Government, which is doing all this, Some of them go to such an extent, Mr. Speaker, in sowing the seed of discontent in saying what the Government has failed to do, and using such language to discredit the Government to the

Mr. Gichoya: On a point of order, Mr. Speaker, I would like the Minister to state those rebels in my own constituency, Gichugu—in which Mwca is situated—so that they could be dealt with properly.

The Speaker (Mr. Slade): That is not a point of order. You are asking for elaboration. You may ask him to substantiate that there are any rebels, and that is a point of order.

Mr. Gichoya: That is exactly what I mean, Mr. Speaker.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I think the easiest way for me to substantiate this is to ask the hon. Member to come to Mwca with me some time, when I have time, and I could introduce him, so that he can talk to his people. Whether they come from his constituency or not, I would not like to say; I never said they came from his constituency, I said there were people who were involved, and I promise I will protect the hon. Member when we go to Mwca!

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, Sir, I have what I may call a point of order—

The Speaker (Mr. Slade): Do not call it a point of order, unless it is one.

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, Sir, do I understand that the Minister alleged that a group of Members from Nyanza refused or rejected irrigations schemes? Would the Minister elaborate on or repeat what he was talking about regarding Nyanza?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am very sorry that the hon. Member has shown other hon. Members in this House that he does not read all his correspondence, because a letter which was sent to me was copied to him.

Mr. Speaker, Sir, the Government intends—

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, to which particular letter is the Minister referring because a number of letters are sent to Ministers and copied to Members? If it is a question of—

The Speaker (Mr. Slade): It is quite clear, Mr. Ngala-Aboki, that the Minister's substantiation is that he has had a letter from people in Nyanza saying that they do not like this and you have had a copy of it. That is quite enough substantiation.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir,

to help the hon. Member, I will bring the letter, which I have, to show him within the next forty-eight hours.

The Government will strictly control the utilization of land. Underdeveloped, mismanaged and abandoned land will not be tolerated, irrespective of the nationality of the present owner, be he Kenyan or otherwise, be it a small farm or a large farm. Hon. Members may like to know that on next Tuesday, 25,600 acres of land will be declared mismanaged and abandoned in what was the Coastal strip. This will bring a total of the number of farms which have been declared mismanaged, and abandoned to over nearly 100 and the acreage to over 150,000 acres. Mr. Speaker, we hear of this being done in neighbouring countries and there is always an outcry. I would like here to give the credit to the District Agricultural Committees and the Provincial Agricultural Committees for the work which they do in taking care to see that farms are truly mismanaged and abandoned before they ask me to take action, because we have had virtually no outcry with nearly 100 farms and over 150,000 acres of land. But here again, I must warn that there are a great number of well-known people in this country whose farms are now looking, and also I want to give a warning here that, irrespective of whom they get involved with their land to try and protect themselves by taking on new directors or new shareholders, it is going to have no effect on me whatsoever.

We now have plans, Mr. Speaker, for the newly-established Agricultural Development Corporation to look after these abandoned farms amongst its many other duties, to restore them to full productivity, to instal African managers, and then to sell them through the Land Bank to well-organized co-operative societies. Where we find that abandoned and mismanaged farms fit in well with the settlement schemes, we intend handing them over to my colleague, the Minister for Lands and Settlement. This action will enable productivity to be raised and will spread income from this productivity over a large group of people.

We are reviewing our present establishment of statutory boards, particularly the marketing boards, and we have set into Motion—This point was raised by the Member for Trans Nzoia earlier on today; it is a very old point and this which he raises every time he gets up and tells me about agriculture, but at long last we have listened to him and we have now made the first move of bringing the Agricultural Finance Corporation and the Land Bank under the Central Agricultural Board which will eventually

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kind, I hope, in the near future, to an amalgamation.

I hear the hon. Member from the Coast saying, "What about marketing boards?" and I want to explain to him, as he ought to know as chairman of one of these marketing boards, that we have international obligations which can only be given to a board operating that produce. One of them is coffee, another is pyrethrum, and also wheat. We have international commitments with overseas countries on these boards, and a commitment that they will remain, as it were, sovereign under Government direction, so we have to take care of these boards.

Mr. Ngala: What about cereals?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Wheat is one which has international obligations, pyrethrum and coffee.

Then, Sir, there is also the point that other countries which have operated the other way around, like Tanzania, are now moving to our system where they are breaking into more and more boards because they think that it is more efficient running where one competent man—like the hon. Member I am looking at—can run that industry competently.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Minister to talk about the Member he is looking at when we on this side of the House do not know which Member he means?

The Speaker (Mr. Slade): That is out of order, as I think you might have seen which Member was smiling most!

Mr. Ngala: On a point of order, Mr. Speaker, is the Minister in telling this House that statutory boards make international agreements; is it not the Ministry that makes such agreements, I mean any agreements outside the country?

The Speaker (Mr. Slade): That is not a point of order, Mr. Ngala, it is a point of argument.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the hon. Member must have misunderstood me because I said that we had international obligations and part of these international obligations is that we should set up statutory boards with the sole object of looking after that industry under the international organization. He full well knows as chairman of a statutory board that we have full powers as a Government to direct him

to do whatever we like, even if it is against his own wishes as chairman of that statutory board. I am sorry that hon. Members sitting on my right have come to the conclusion that I squint and cannot make out exactly who I am looking at!

Mr. Speaker, hitherto the growth of boards has been somewhat haphazard and, in some instances, these boards have tended to safeguard the interests of particular groups and individuals. We are determined to ensure that in the future all Government statutory boards, where possible, are streamlined and efficient in their operation, and that they must pursue the policy of African socialism. Mr. Speaker, I look to all Members of these boards, including the hon. Members in this House who sit on these boards, to fulfil the obligations of full discussion and operation and interest within these boards.

We also feel that a powerful national marketing board, properly controlled and advised, responsible for the pricing and marketing of those of our crops which are used internally, could serve to regulate the relative production of the different crops in accordance with national needs.

Mr. Speaker, Sir, I do not want to take too long. Therefore, I am only going to mention one or two other points. I have only discussed arable agriculture up to now and must mention the application of the principles of African socialism to the livestock sector of the industry.

Already we have obtained considerable success with our co-operative ranching schemes, particularly in Meru and Kitui, and, as a result, our range management division is planning and securing finance to expand this programme of co-operative ranching throughout the arid areas.

The Agricultural Development Corporation, amongst its many other activities, will operate an expanded calf-rearing scheme to supply female dairy breeding stock to co-operators and small-scale farms.

Sir, the last point I want to touch on is that in the agricultural industry we must be very careful in watching the wages policy. This, I know, will be dealt with by the colleague of mine responsible for Labour. I also feel that under African socialism we must make it easier and less expensive for our people to be able to form agricultural companies and partnerships.

I want to end, Mr. Speaker, by saying that the whole of our agricultural industry depends entirely upon the quality of our products. We are well known throughout the world for the

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need to set-up such farms as strategic sources of hybrid seed and high-quality breeding stock as a stand-by in the event of a major exodus by the present producers or of any other breakdown in production of these essential agricultural requirements. In fact, National Farms are not new to Kenya at all. In my Ministry we already have the National Sahiwal Stud operating on a farm and the National Wheat Breeding and Bulking Station at Njoro.

At the other end of the political scale, some of the biggest and most technically advanced food processing firms in the world are negotiating with the Government and propose over the next decade to spend many millions of pounds on the establishment of their industries in Kenya in conjunction with the Government and the people. These firms will not only provide factories, but will assist African outgrowers and will guarantee overseas outlets for their products. This is a very important factor in any agricultural development plan, is that our markets are assured. The firms will work with and co-operate with Government, according to the agreements drawn-up between the two parties and in accordance with present legislation passed by this House.

Mr. Speaker, Sir, at this stage I do want to quickly touch on various types of aid we are having and which we wish to get from various world agencies, either under bilateral agreement or multilateral agreement. The United Nations Special Fund are operating a series of feasibility projects and are also financing projects in the country at the moment, these are: the East African Livestock Survey, the Tana River Survey, the Bunyala Irrigation Scheme, the Animal Industry Training Centre, which is being built at Kabete, range development projects in arid areas, (this is the large plan which absorbs a great deal of Masai land). This application is in front of the United Nations Special Fund at this moment and we hope that it will be activated around about November or December of this year.

The I.B.R.D. (the World Bank), and its sister I.D.A. are involved in our large tea schemes in this country, the roads for agricultural produce, smallholder credit, (this is the follow-up to land consolidation) and also the range development.

I think I ought to take this opportunity in saying that at this very present moment here in Kenya, is the No. 2 of the World Bank and I.D.A. and he has just spent four days going

round Kenya and his congratulated us as Government not only on the agriculture in a peasant holding areas, but has congratulated us after nineteen years in the bank and visiting fifty-six countries of the world, he has not anywhere seen anything better than the development of tea industry by small peasant growers and he has agreed to support our application for a further application of between three and four million pounds and the bringing forward of the 1970 tea programme to 1967. Then, Mr. Speaker, we have other agencies C.D.C. who are helping in the development of the Kenya Meat Commission and who have put up numerous tea factories, F.A.O. and UNICEF who have helped in the Coast Dairy at Mariakani, the spray dryer at Nakuru and the Nalivasha Dairy Training School, where a third of the pupils are from Tanzania, a third from Uganda, and a third from Kenya. The Rockefeller Foundation, for instance, with the plant breeding stations in Kitale and Njoro and high-bred maize and international rust testing. All these help and aid agriculture without strings.

Various countries are helping us with free technical aid and I emphasize the word "free". Sweden has helped us with vets, the Germans have twenty-two technical experts here. France and Holland are sending us some, now, Italy, eight, Yugoslavia has sent us some, Denmark has sent us some, Austria has sent us some, Switzerland has sent us an Entomologist, Canada are sending us some people and are financing projects. We are having active discussions at the moment with the Soviet Union on the development of certain agricultural projects and I sincerely hope that at long last we may have been able to re-start discussions on the East Plains. I must at this stage say that the difficulty has not been on our side of the House. I am mentioning these at this stage, Mr. Speaker, because I want to spend two or three minutes in explaining the difficulty which we have in conjunction with the Ministry of Finance and the Ministry of Economic Planning and Development in developing certain of our agricultural projects. Whenever one speaks on agriculture in this House, one gets interjections and saying "why are you not doing this and that". I want one again, just to explain the difficulty which we are in.

If we have an agricultural project which involves capital goods, local cost and an agricultural development and you let this be known to the ambassadors here who come and talk to you, you have every single ambassador lined up outside your door. You discuss the first item which is the availability of capital goods, he is a vegetable processing factory or a sugar factory,

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or whatever it is and you have various countries, in fact nearly all of them that produce these items are prepared to let you have them on long and very, very, good terms indeed, there is no difficulty in this; landed at Mombasa. The moment you start talking about local cost to move that item from Mombasa to wherever you are going to put it up, let us say, in Nyanza, and the cost of the cement, the cost of the sand, the cost of the labour to build it, transport, etc., you then find it ever so much easier, because the thirty-two ambassadors have disappeared and there are only three or four left. You then discuss with these three or four and one of them comes from one part of the world and they say we can help you on this, on condition you use our shirts, our boots, our watches, our sugar, whatever, we will then lend you that money. On the other hand, you get some countries who say, "well, now look, we appreciate that you turn out cement, you turn out timber, but if you use ours, we will send it to you for nothing and you can utilize it and then pay us over twelve years and we will help you with local products by using ours". Our answer is that although this has nothing to do with us in agriculture we do not think it would be right to put people out of work in our own factory. You are now down to about four or five ambassadors. When you come to the third item, Mr. Speaker, which nearly every Member in this House is most interested in, the agricultural development in these areas. The money to develop the crops, plant breeding, fertilizer, loaned to farmers, money so that we can loan it to the farmers, then you are left with no ambassadors at all and at this stage, you then have to start going to the ambassadors' offices to talk to them because they are not interested in this type of aid. That is where the greatness comes in in some of the international agencies like the World Bank, and the United Nations Special Fund. But, Mr. Speaker,

I want to say this, that perhaps more than any other country in Africa and I do not know anything about Asia and South America, Kenya is teaching foreign countries more and more how to help us with aid, this is happening in all the sectors of all the Ministries in Kenya and more and more countries are now beginning to help us, slowly, slowly, with money for local crops and this is happening here before it is happening anywhere else. We are now told when we discuss agricultural projects, one of the main reasons is that we are not going for huge monuments which do not mean anything. We are really going for projects which will help the African people and this is what a lot of the countries are after,

irrespective of whether they come from the East or the West and I think that in this plan which is being put forward now, underwrites the Kenya Government's attitude that the type of projects we want are those which are going to help the people and not great big dams and hydro projects and all kinds of things which do not mean much to the man out in the backwoods.

Now, Mr. Speaker, if I may carry on. We feel individual farmers, be they large or small scale will continue to be controlled by the State through the provisions of the Agriculture Act and its by-laws. We shall insure that development loans are used properly and repaid on time, and here again I want to be very clear indeed, by punishing defaulters. We in my Ministry do not have to wait for this House to pass any legislation before we can take action on defaulters. We already have this legislation and I think that the people must now take this as the last warning and I see a certain friend of mine unfortunately is not in here, but the people must take this as a last warning that as a Ministry, we intend to foreclose on these defaulters so that we can get that money back to help other farmers. We shall increase the severity of the penalty for crop and stock theft and the damage of crops by arson. Also, Mr. Speaker, we appreciate that there are a few rebels who refuse to co-operate on the irrigation scheme and consolidations projects and are the enemies of our society. These people are opponents of the Sessional Paper which has been put forward and they, too, are within the powers of our Ministry as far as agriculture is concerned, we have now decided to utilize the powers which we have to punish these people.

Mr. Gichoya: On a point of order, Mr. Speaker, I do not intend to interrupt the Minister but he alleges that people are refusing to co-operate with the Government on certain projects. I would like very much for him to elaborate on this.

The Speaker (Mr. Slade): That is not exactly a point of order, but the Minister may care to elaborate.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, we in my Ministry, and this is well known to Members from Nyanza in the Kano Plains area, have had letters from certain groups in that area saying that they do not want to go ahead with irrigation schemes and that the land is theirs, and I have plenty of Members who can substantiate this, over and above that we do also have, one or two in the Mwea-Tebere area who are of the same opinion.

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The application of the principles of African socialism to agriculture can, and must, result in the maximum economic growth and the optimum utilization of resources, and give the greatest possible benefits to all our people, whether they be engaged directly in agriculture or not.

In a country such as ours where domestic development capital is extremely limited, it would be clearly illogical to deplete our small capital resources by nationalizing the agricultural industry, especially when a large proportion of the capital expended on such an operation would undoubtedly leave the country together with a significant amount of technical and managerial skill. It would be far more advantageous for us to utilize our appropriate resources for new agricultural development, rather than on a mere transfer of ownership. This is particularly important in areas of traditional small holding, where the scope for agricultural growth and economic expansion, through land consolidation and the use of capital and technical skill is considerable. It is for this vital economic reason that our emphasis, at this juncture, must swing from settlement without any significant economic growth to an intensification of effort in underdeveloped areas, and in particular, where strong co-operative societies form a sound basis for investment and development. We will stimulate agricultural development on all underdeveloped land, particularly the present areas of African smallholding, and also the vast undeveloped areas of state/land and county council land, and in the former European areas.

It is appreciated, Mr. Speaker, that for several reasons it is desirable for aliens who own farms in this country to be bought out, but we must not allow emotionalism to cloud our judgement on this issue. At all times, economic viability must be our prime consideration if we are to secure the maximum financial and social benefit for the greatest number of our people. This is not to say that non-Kenyans have any permanent place as individual land owners in Kenya. They have not, but their displacement must be in accordance with our avowed policy of compensation for loss of property and as our resources for a compensation are so limited, this process must, of necessity, be relatively slow; unless the parent governments of these aliens can make available, on favourable terms, the necessary capital for purchase, settlement and development of the land in question. This finance would enable these non-Kenyans to be displaced without economic detriment to Kenya and her people.

provided of course, that we have the local manpower to replace their managerial skills. This does not mean, however, Mr. Speaker, that those people who are prepared, and in fact, are now participating in joint ventures with the Government, will not be able to continue to do so. We do not, however, wish to retard the rate of acquisition of land by our people, and for this reason we will continue to give generous financial support to the Land Bank in order to facilitate this process. But, we have decided to take steps to ensure that such action does not lead to a situation where land is held in vast amounts by a few individuals. We would prefer to see the larger farms passing into the hands of compact, well-organized, properly-run and self-disciplined producer co-operative societies. In fact, we intend actively to encourage this form of ownership, particularly by the workers already employed on the farms.

Let me here, Mr. Speaker, give a stern warning to large-scale farmers. Some of the new large-scale farmers are not repaying their loans, unfortunately, including certain Members of this Parliament, and some of them are buying second farms. I want to be very clear indeed on this point, and that is that this money which we lend to the purchasers of new large-scale farms, when it is repaid revolves to go and help more people in buying properties and developing them. We propose to implement the system of workers buying out the farms by making agricultural credit available to these groups, in preference to individuals, and by giving special managerial training to present-day farm managers, farm foremen, and farm headmen. We have just opened our first large-scale farmers' training centre at Thomson's Falls, and a second centre is now being planned specifically for this purpose which I have mentioned; that is to train managers for co-operatives.

Further, we are proposing to set up a working party to examine the possibility of fixing ceilings on the acreage of land that might be held by individuals. We cannot predict the findings of such a working party at this stage, but we are naturally hopeful that it will enable us to spread land ownership and income more evenly without any detrimental effect to our overall agricultural development. The fixing of such ceilings is not something we can do on an *ad hoc* basis, and thing that we can do in a very thorough and critical study should be undertaken before any decisions are reached. While the State need not own land and agricultural resources, it must be able to control these factors, if it is going to reap the greatest rewards for our people. It is the intention of this Government to use this power to

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achieve the goal of economic growth and increased per capita income.

Much of our future agricultural development will be derived from an harmonious marriage of private capital and expertise; and Government control, encouragement and assistance; and the skills and industry of our people through private ownership, co-operatives and individual ownership. We are not following these principles in practice on a large number of agricultural projects. We have completed plans for the 25 million Chemeli Sugar Scheme whose success depends on the injection of capital, equipment, and know-how from overseas; the planning, control and direction of the Government; and the skill, enthusiasm and vigour of our own people.

All these forces harnessed together in this and similar agricultural projects, will enable Kenya to reduce her overseas expenditure in favour of her exports. They will generate more income for development, and will raise the standards of living not only of the direct participants, but indirectly of a great number of people in Kenya.

Over and above this project which I have mentioned, we are now actively engaged in large development projects in passion fruit, a large one with pineapples, the immediate development in the Masai area, and in vegetable processing all along these lines.

An hon. Member: We hope we mean it.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): It is no good, Mr. Speaker, the Member for the Masailand saying that we hope we mean it. One of the great difficulties we have had arising out of numerous meetings with the Masai people is getting full agreement from their side. We get agreement from the Member of the House here, but when we talk to the people in the area we have difficulties, but I am please to say that in one area of Masailand we have now been given 100 per cent support, and I hope that in this coming season we will see a very large acreage of wheat being grown in conjunction between the Government and the Masai people of that area. Perhaps the hon. Member is jealous of that area. In other projects, Mr. Speaker, we are negotiating with overseas investors to develop their businesses in Kenya in association with the Government and the people. Wherever possible, we shall insist on a tripartite stock holding with equity held by investors, the State and by African shareholders,

either as individuals, or preferably as co-operative societies. In most schemes of this type some land will be owned by the State and this will represent part of Government's equity in the enterprise.

Co-operatives are no longer the direct responsibility of my Ministry and I do not wish to intrude upon the domain of my hon. colleague who is responsible for these matters. However, co-operatives, particularly producer co-operatives, as opposed to marketing co-operatives, are going to play such an important role in our agriculture, and in furtherance of the ideals of African socialism, I must make some mention of them. It is clear that co-operatives in order to succeed must be well advised, well managed and, above all self-disciplined. The myth that the co-operative movement is the road to an easy life with easy credit must be dispelled and co-operatives must become a real living example of the outcry which our President has always used, the word "*Harambee*."

With reference to co-operatives, Mr. Speaker, we intend writing into the agreement on co-operatives development in agriculture, ways and means of seeing that the managerial side is operated properly and that the finances of the people in the co-operative societies are not misused. We have had some very poor examples in the last year or two, including one very bad one where members of the co-operative had decided to lend all the committee members of that co-operative, the money belonging to that co-operative. That is something which self-discipline must stop. We do not believe that either outright capitalism, or on the other hand absolute Marxist socialism has any place in our agricultural future, and this has been proved, Mr. Speaker, in many many parts of the world. But, in accord with our policy and the principles of African Socialism we will follow flexible policy whereby we can adopt any desirable facets of agreement from their side. We get agreement from these two concepts which may happen to be compatible with our national spirit. The agricultural control vested in the State will be utilized in deciding the day-to-day policy in the planning, execution and administration of our agricultural projects and the principles of African socialism will ensure that the Government has the necessary flexibility to be able to choose the best course in any particular situation in order to secure maximum national benefit.

It is the intention of the Government to establish a number of National Farms, not because some communist countries practice state farming, with I might say, varying degrees of success, but because we have a specific and vital

[The Assistant Minister for Finance] should go and join the West in fighting communism in the world. If we did not stop them, then, very soon, they would be asking us to send our African soldiers to go and fight in Vietnam, to go and fight the communists there. We are not going to do this. We have our own war here, and that war is that we would like to get education for our people. We would like to get education for our people, and we would like to get social facilities for our people, and more wealth for our people so that their standard of living is improved. This is our battle. Our battle is not with international communism, as some people like to say, therefore we are not going to join one side and fight the communists because that is not our battle, and also it is not non-alignment. So it would be breaking our own rule.

Now, Mr. Deputy Speaker, Sir, I would like to come to page 9, and here there is a little something which I think should go out. In paragraph 25 it says, "Similarly, the fact that other countries are more advanced is not a matter of jealousy but of opportunity, Kenya's ability to borrow funds—". That passage is not necessary, because the words "Similarly, the fact that other countries are more advanced is not a matter of jealousy—". This thing is suggesting that we are jealous of other countries. That is what it does, Mr. Deputy Speaker. This is what America, Britain and France, but not France so much, but America and Britain and West Germany were telling us in Geneva, "But why are you so jealous of our development?" This is what they were telling us, the developing countries when the African countries, Asian countries and the Latin American countries get together. They asked us why we were jealous of their development, and we told them then that their development had been obtained through some very unfair relationships. Our country was only forced to produce raw materials for their factories, and when we have sent our raw materials there then they lowered the price, but when they sent us the manufactured goods, the prices were high.

The Minister for Economic Planning and Development (Mr. Mboya): What did we send?

The Assistant Minister for Finance (Mr. Okello-Obongo): I thought we sent tea and coffee. I thought the Government did. Anyway we sent some last year. Therefore this should be out similarly the fact that the other countries are more advanced is not a matter of jealousy but an opportunity. It is not true that we are jealous of anybody but we just want to develop ourselves and we want fair economic relations

between developing and advanced countries. We are not jealous so that thing should go.

Now we come to page 13, where is something to go out under foreign investors. Under foreign investors, you have paragraph 38, subsection (b). This is the way foreign investors can participate in African socialism, and (f) is correct, by making shares in the company available to African who wish to buy them; then we come down to (g) by employing Africans at managerial levels as soon as qualified people can be found. Now, that should only read: by employing Africans at managerial levels. There is no use saying: as soon as qualified people can be found. After all this Paper is supposed to last for a long time, and by that time we hope there will be a number of Africans with qualifications here, and will apply for that. So, that clause is not necessary, and should be left out as well.

Now, Mr. Deputy Speaker, I think that I am mentioned a few of the points that I intended to mention as far as the definition of African socialism is concerned, and what I think about it. I think I said at the beginning that I do welcome this Bill, and that the ideas expressed are very much like my own ideas which I have expressed on various occasions. We have heard some careful discussions with the Minister that we responsible for this.

Now, I think the other things that have been mentioned are more or less with regard to our immediate problems, and I see that our immediate problems, have been put in internationalization is mentioned here, the dangers of it, and the advantages of it, which have been mentioned here and are all very good. I think that another thing that we can put here is that whatever the economic system we are going to have, we must look into certain problems that must be solved immediately, and some of these are the difficulties that we have inherited from the past.

Now, this Paper here, by calling it African socialism, is to give us some philosophical guide so that we know what our system should be like and what it should do for us. Now, this will of course, end the confusion we had in our economy where we have the African economy consisting of African socialism, and then we have the European and Asian economy based purely on capitalistic systems. Now, we hope that this is going to combine us so that we are guided by one philosophical thought, and I am quite happy that this Paper has gone a long way to tell the investors and foreign investors and others, just what our Government and our people will expect of them, and I think this is good.

[The Assistant Minister for Finance]

Another aspect of the ideas that this Paper has and should solve is the subsistence economy and monetary economy. This is more or less related to that, so we hope that this will also be solved, and methods for solving it will be encouraged, and things to be done in order to introduce monetary economy in the African rural areas, so that they catch up with the areas in the township so that they develop together. Now, we have to watch very carefully because after all you can have this industrial economy developing around cities and around mines, and then you can have utter poverty in the rural areas. This is what they have in the Union of South Africa. South Africa is one of the richest countries in the world, and yet the Africans living there are sharing a standard of living as low as ours and in many cases worse. So, this shows how an economy can grow only one side while the other side is left behind. So, what we have to look out for and positions are made adequately here, and these are matters that are being discussed also by the planning group, is that we must develop the rural economy to catch up with the town economy so that we have one integrated economy in the country, and all the sections of the population in a subsidiary economy, and the other is a monetary economy.

Another aspect which is satisfied is the exploitation element (that we have in our economy. There were a lot of dangerous elements in our economy which we must try to stop.

In other words, we would like our economy to be self-sufficient, so that it is capable of standing on its own feet; it is capable of fighting any attack, any offences from any quarter, because one day Uganda may be at war with the Congo, and somebody gets angry, and attacks us through our economy. They will tell us that we must stop doing such and such, or else this will happen, or the oil is cut off, or the money is cut off or something else is cut off. Now, this we have to prevent. We have to make measures to make our economy as efficient as possible and as self-sustaining as possible, and we must stop foreign exploitation. This means that we must have strategy for development, as has been mentioned here, so that we stop the outflow of funds from our country to outside. Now, this is happening through the big salaries of our expatriates that we might employ, because they bank all their money outside, and also the money, the profits and other things that might be coming out of the external companies by banking at a bank at home. They also participate in things like insurance businesses, like the one we have now which is a good start, so that we can keep

our money here, foreign exchange here, and also sometime in the future we must develop means of having our own fleet for transporting our own goods to other parts of the world, and I am glad that in East Africa—I think there was some suggestion of an East African line. It should be encouraged and should be strong. Planning has been put as one of the most important things here, and this is good, and we hope that planning will be done in such a way that all the resources are protected and are utilized to the best benefits of the country as a whole.

I believe that what we must do with our development is to industrialize, as soon as possible. Because unless we are industrialized, we will remain behind for a long time, and we must industrialize so that we can export some of our materials, some of our manufactured goods to other parts, because the evidence or the historical evidence indicates that by relying on agricultural raw materials, the country generally lags behind economically, and therefore, we must as a strategy, move towards industrialization.

Now, I think, Mr. Deputy Speaker, Sir, these were some of the ideas that I wanted to put forward to my colleague, the Minister for Economic Planning and Development, and I put these ideas in very good faith, and there should be no worry over being interested in blocking anything. I would like to see that this document which is very useful to us, should really be made valuable so that when we read it later there should not be anything that we would not be proud of.

Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, Sir, I want to say a few words which affect my Ministry, and at the same time say a few words about that aspect of our Ministry which is affected by settlement and by the Ministry of Co-operatives.

Mr. Deputy Speaker, Sir, our Government and the Sessional Paper acknowledges the need today to change from an economy dependent on agriculture to a more balanced pattern of production, but for the present and for some considerable time to come unless we discover something like oil, agriculture must remain the cornerstone of our economy. In consequence, the practice and effect of African socialism will, therefore, be clearly demonstrated in this sector of our national life.

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

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

[The Assistant Minister for Finance] whether he belongs to one of the African independent churches or not. So I would ask that the definition of the relationship between African socialism and scientific socialism should be made more positive than it is here.

To go further, it has been explained on another page, in the part about relationship, how African socialism must be independent. Here, too, we have a point which we have to be careful about. What we are defining is African socialism and not Kenya socialism, I hope, because if it is Kenya socialism, then one would expect that there is a Uganda socialism, and also a Tanzania socialism. I hope that hon. Members still remember that one day a Motion was passed in this House with regard to the East African Federation, and this is one of the most important things, I think, in our political and economic life in this part of Africa? It seems that this idea of federation is left out completely in the Paper, and I feel it is important that we keep this in mind, because if we are going to define a kind of socialism that is foreign to Tanzania and also foreign to Uganda, and ours is just independent, related to nobody, then we have to be very careful how we are going to have this East African Federation. What are the things that are going to happen? I think that the door has to be kept open for the East African Federation and not only that, we have to keep the door open also for the Union Government of Africa, which is one of the goals of the Organization for African Unity to which we are very much attached. It seems as if we have forgotten this. After all, in Ghana they also have a socialistic state; in Guinea they also have a socialistic state; in Tanzania they also have a socialistic state; and in the United Arab Republic they also have one. Now we should know what our socialism is, amongst all these, other socialisms.

I think it is therefore important that we should define our socialistic idea and relate it to scientific socialism, and I would like to admit, Mr. Deputy Speaker, Sir, that whatever we do then I do believe that the principles of African socialism, by that I mean, and I understand, and it has been said here also, that these are principles that guide the economic, political and social life of the African. These principles have guided the Africans in the past, they are guiding the Africans now, and we suppose that they will guide African life in the future, and this is why we hold them so much and hold them so dearly. Now if that is so then we also have to admit that these principles bear very close similarity to scientific socialism and in fact, African socialists

are socialists. They are not something else. Mr. Speaker, Sir, I think this is a point which we need to make and therefore I would like to say that if you can look on page 2, paragraph 7, then I would do away with the first sentence completely, and simply begin by "African socialism" by the term of African socialism; it goes on to say, "It is meant to convey the African roots of system that is itself African in its characteristics," it carries on to say, "African socialism is a term describing an African political and economic system that is positively African and being imported from any country—" That is all very good. I think that when we try to say negatively and give an impression, that this is a new doctrine, we could start this in Kenya, but has nothing to do with scientific socialism yet we cannot say whether it is capitalism then this might be misleading and might make us the laughing-stock of the world. We have to give something that we can defend anywhere and talk about. Therefore I would suggest that. Now, if that is done, then when we come down to page 3—, if we mention there that we had defined African socialism, that is the idea guiding the African life, and then admit that it bears close relationship with scientific socialism then it will be necessary for us again to say that the difference between African socialism and communism is because you allow political freedom. Because at the moment this is a debatable point. If you talk to a man coming from a socialistic country, even if you are a political scientist and you are trying to analyse the political rights of an individual in a socialistic state, and in a capitalist state, then you will find that the difference between them is not that the man in the communist state is not enjoying his life, it is not so. As a matter of fact, in capitalist countries you find that people do not really enjoy political freedom. In the United States, for instance, if our Minister here went to the United States he will not be allowed to vote let alone be a member of the congress.

The Minister for Economic Planning and Development (Mr. Mboya): And if I find it Siberia?

The Assistant Minister for Finance (Mr. Odongo): I do not know about that. I am not familiar with that. I have been to the United States and I know that if my dear friend, the Minister for Economic Planning and Development lived in Alabama then he would not have a vote, let alone go to the congress. The question of African socialism differing from communism merely on the question of political equality is a debatable point which we do not want to be a national document that we would like to keep

[The Assistant Minister for Finance]

a long time, and which we would like to be readable. So, Mr. Deputy Speaker, Sir, that being the information on page 4 of this little book here, at the bottom instead of the first paragraph, paragraph 10, and where it says, "Thus African socialism differs politically from communism because it ensures every mature citizen equal political right and from capitalism because it prevents the exercise of disproportionate political influence by economic power groups." I think we should leave that out and admit the other thing, simply defining what African socialism is and relate it to the scientific socialism. Scientific socialism is socialism as expounded by Karl Marx. It goes on to say, "Another fundamental force in African tradition life was religion which provided a strict moral code to the community. This will be a prominent feature of African socialism." I do not know how this is going to be, but this is rather vague, and if people say that there will be freedom of worship in African socialism then that is enough. Just say that there will be freedom of worship in African socialism. We do not want to be made religious by force. If somebody does not want to then he should not be forced. If it is like this then it means that it is calling for it to be done. So, I would like to point that out to our Minister. Now, I do not oppose this little line here just because of that but because I think it is unnecessary to compare African socialism, capitalism and communism when we have already compared it with scientific socialism, that is enough.

Now Mr. Speaker, Sir, another aspect is the propaganda aspect. Because it is in the West and it is among those people who do not follow socialism that always say that there is no political freedom under communism. But when we talk to a communist then they do not say so. Now the thing is—, Now our provision is that we are supposed to be non-aligned. As soon as we are non-aligned then one of the principles of non-alignment is that you do not pick a quarrel with the other party unless he attacks you and your principles. In other words when you go out and attack these people then it is quite unnecessary. After all, you may need their help. The thing is that this has a propaganda touch and we do not want to be arguing with our communist friends when we go to Moscow or when they come here all the time. How come that you put this in this political document that we have no political equality while we have and all that kind of thing? We do not want to be bothered with that, and so I would like to suggest that that thing should be out, this is on page 4.

Now, Mr. Speaker, Sir, we come to page 7 of this document, where it talks of Karl Marx's time. It is stated here that the conditions during the time when Marx wrote his book are very different in relation or similarity to the conditions in Kenya today. I think that this is also another debatable point. When the colonialists were here we had distinct class system. There were places where no Africans could go. Now, if you take that away then the conditions under which Karl Marx wrote are the conditions we inherited from the Colonial Government. As far as the Kenya economy is concerned, the whole Kenya economy, I am not talking of the African sector, there were a great many laws which were discriminatory. I think that the argument is not valid, because first we are discussing the overall Kenya economy, and then all of a sudden it jumps down to consider the African sector—how the Africans live. Well that is not fair. When we consider the Kenya economy as a whole we have to admit the fact that we inherited a colonial economy which was very much like what Karl Marx lived under. This we have to accept, now of course what we are trying to do is to integrate the economy and make it one economy instead of a subsistence economy and a monetary one, which is separate and make it one. So, I would be careful there also. This is a point that could cause people reading this document to think that we are not thinking straight or that we are not quite correct. My suggestion is that that paragraph, paragraph 20, could be a little modified, and I am putting these very humbly to the Minister for Economic Planning and Development who has been given the charge of this. Are you listening carefully?

The thing is that there is another place here on page 8, relationships to other countries. Here I agree with this entirely, because these are the principles of non-alignment, although the hon. Minister here misunderstood me on this question of non-alignment. I suggested that in order that we can be really non-aligned in Kenya we should bend a little to the East and I think that I was right, because this is what it is saying here. This is what we should do, because if you are walking on the road and find yourselves on the right, then in order to go to the centre you must turn a little to the left. Right? All you have to concentrate on is the degree of turning. This is the thing. I believe that the idea of relationship in other countries, that we should be non-interested, non-aligned and we should be like judges looking on everything without any leaning towards any party, or attacking one party without any reason. Some people say that we

[Mr. Muliro]

While I am on commerce, Sir, I want to sound a note of warning to the Minister for Commerce and Industry. My predecessor and successor to-day is engaged in the erection of a number of synthetic fibre factories—rayon factories, and so on—from Japan and India. This same Government is telling me as the Chairman of the Cotton Board, "Develop cotton, develop cotton." I go around saying, "Cotton, cotton, cotton." In fact, I am now half mad with cotton—

The Minister for Economic Planning and Development (Mr. Mboya): When do you get fully mad?

Mr. Muliro: Before long I will be. In fact, Mr. Speaker, I will be fully mad soon because as long as we get the cotton in this country, we cannot establish factories in Kenya to make cotton textile shirts, blankets, and so on. We are playing with fire for our own destruction. Even Nakuru Blankets get all the jerseys and pullovers from all over the world to come and make blankets at Nakuru; they do not use any cotton.

An hon. Member: They use wool.

Mr. Muliro: Not very much of our wool, and I have visited the factory also. I would say, Sir, there must be a stop to these synthetic fibre factories being created in Kenya. We want Africans to be fully engaged in the production of cotton on the ground. There they will make some money and then in the ginneries here Africans will be engaged, and then eventually in the production of cotton textile goods from our factories in Kenya. We do not want to move forward blindfolded by some Ministers who might be short-sighted.

Mr. Speaker, Sir, with these very few and moderate submissions, I endorse, as I said before, this Paper and welcome it, and I hope the hon. Members will accept it as the basis of eliminating confusion which has been reigning in this country. I beg to support.

The Assistant Minister for Finance (Mr. Okello-Obongo): Mr. Speaker, Sir, I, like the other hon. Members who have spoken, also very much welcome this Sessional Paper that we are discussing here today. This is a Paper that we have waited for quite a long time and, as my colleague and friend, the hon. Minister for Economic Planning and Development explained in the beginning, there has been a lot of confusion with regard to this subject.

I am glad to see that the Sessional Paper, as it is, is very much welcomed by all Members.

Although I am part of the Government, I did not particularly participate in the Committee for Development—since I am not in that committee—but I did read the draft of the Paper as a Government Member and I thought it was a good Paper.

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

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

I understand that since then some parts have been added and, of course, also I have been looking over it and reading it more and more. So I get new impressions and ideas and some suggestions that one could make. I would just like to say that the suggestions I am making are only suggestions which I put forward to the Minister who has been charged with this responsibility by our Government.

I am glad to see that in this Paper there is a great deal of material which I myself have expressed at various times in some of the papers that I have written myself, to the extent that I feel that a lot of it is an extension of some of the work I did myself. I welcome it for that, and I see that we have here things about African socialism. We have fundamental things such as control, forms of ownership, limitation of property and ownership of land, and also immediate problems and methods of dealing with them. So it covers more or less what we need in this country today. In a way, one could call it a pragmatic approach to our problems; in other words, just looking around and seeing what problems we need to solve. This Paper has touched on them.

The Paper has tended to define what is called African socialism and then, at the same time, has gone a little further to point out in certain aspects where this policy could be applied in our present situation. Now, Mr. Deputy Speaker, Sir, I think I will address myself first to the definition because I think this is an interesting one and something that has interested us for some time in this country.

The Paper starts off by defining African socialism and traditions are mentioned, and also the application of what African traditions there are in our present situation. I would suggest that while we start off by defining it, then we go on to talk about African traditions, especially in the field of political equality or political democracy and also in the field of mutual responsibility, social responsibility, this is a good thing, but I would have suggested that in mentioning the

[The Assistant Minister for Finance]

through some of the actual examples ought to have been mentioned so that whoever reads this Paper does not go away with the idea that it is all theoretical things based on nothing. In other words, there should be some concrete examples of African socialism or socialistic practices put down in this Paper. I see here land has been mentioned as one of them the ownership of land. This ought to have been pointed out rather clearly, more than it is pointed out here, the system of land ownership and land tenure among the African peoples. Also, this applies to the question of work and reward. We have labour put in here and it would be interesting to point out how in the African tradition people used to go to work. Words like "sage" in Luo have been used here and these and it would be good to point out how people worked together.

Then it might also be good to point out how people were rewarded for their work: in other words, the distribution of the wealth that was available and how people obtained the benefit of these things. I do believe that we have some of our very prominent tribal defenders here; I can only speak for the Luo and I know that there are certain interesting aspects of distribution which could be mentioned in this Paper to show that it is not just something in the air. For instance, the distribution of meat. If, say, a cow or a bull has been slaughtered in a village, the way in which the flesh is distributed among the members of the community is a very interesting thing which would be of interest to anybody who is studying such things. You find that in a community, whenever there is such a thing, there is always a piece of flesh from a certain part of the carcass of the animal which goes to a definite member of the clan, and so on, so that each woman is taken care of and each child has something, and each grandfather or grandmother has something. This is something which could be mentioned, to show that when we talk about African socialism we are not just talking about something out of our hat or we are just saying something from the air, but something definite that has existed.

In this case, Sir, this is one of the things which I thought should be mentioned here.

The next one which is very important is the definition of African socialism. As I see here, on page 2, paragraph 7, it says, "In the phrase 'African socialism', the word 'African' is not introduced to describe a continent to which a foreign ideology is to be transplanted." I do not know what that foreign ideology is, but it seems clear that what is meant is that we should not

think that the Continent of Africa is taken to be the continent and that you take an ideology like, say, Socialism and then it is applied in Africa so that it is called African socialism. I do believe that I do not know whether I am correct—that this is what it meant here, that we should not mistake this as merely scientific socialism being practised in Africa by Africans. I think that this is what it means. If this is what it means, I think that we have to be a little careful here. I agree with the following sentence which says, "African socialism is a term describing an African political and economic system that is positively African not being imported from any country or being a blueprint of any foreign ideology but capable of incorporating useful and compatible techniques from whatever source." This is very good and I do agree with it, and what I understand here is that African socialism means that it is a set of economic, social and political principles that guide the life of the Africans. In other words, you are looking for certain principles within the economic, social and political life of the African, and you are calling this African socialism. Then, after that, what you are doing is that you are making it flexible so that it can be applied to incorporate some of the new problems. If this is the case, I would say, Mr. Deputy Speaker, Sir, that when these principles are examined, which are African or which one might call Africanism, especially in terms of economic and political relations, they bear a very close relationship to those principles upheld by scientific socialism. I think that there is a similarity between them and that being so, I feel it is very necessary that we should define the relationship of our African socialism with scientific socialism as such.

It has been compared with communism, but apart from here where it is made very clear that African socialism does not mean scientific socialism practised in Africa, nothing positive is said with regard to just what is the difference between African socialism and scientific socialism. I would like to admit, Mr. Deputy Speaker, Sir, that those principles which guide the economic, social and political life of the Africans bear a very close relationship to those principles which are expounded in scientific socialism. It would be, therefore, important that we must make the relationship clear. I feel in a way that to say that African socialism has nothing to do with scientific socialism would be really excluding ourselves. There must be a relationship between African socialism and scientific socialism because, after all, an African socialist, if we use that term, is an African inasmuch as an African Christian is a Christian,

[Mr. Muliro]

Sir, we are human beings. Being Africans, we are no less human beings than any other species which is of the same type, whether Europeans, Asians, or Americans or Eskimos of the North. Human beings are human beings and human beings as human beings are capable of learning and drawing from the experiences which has been gained by other human beings elsewhere. We cannot say we have everything else which has been done every where else except that we hold to be true.

Sir, the basic principle in socialism is, as I see it, and as many other people have seen it before in Kenya, is an effort, an exercise to bridge the gap between the very rich and the very poor. Sir, that is a part which is basically a trend of socialism, and the efforts which have been referred to are undertaken, then the aim at reaching this by Government to bridge the gap between the haves and the have-nots then we are achieving nothing. Sir, we see that those who are referred to in the document, have written good English, but technically unless these people make the Kenya we want to have, and ultimately bring into the Government between the have and the have-nots. We can never cope with conversion of a revolution by the have-nots.

Mr. Speaker, Sir, another point, which has been characterizing that position of the Government. I would tabulate when I come to talk about nationalization. Therefore, Sir, with this in mind I would like to say, that the Minister for Economic Planning and Development would have very rightly called this document "an economic appraisal of Kenya's economic development" rather than African socialism. This talk on African socialism is just additional and means nothing. Sir, today in Kenya, is our Government in which Kenya is pledged today, is this that during the problems, during the struggle of political independence the Kenya politicians, some looked to the East and some looked to the West, for their political support, for financial support in order to come into financial positions. This, Sir, is today basically the struggle of Kenya. Some hon. Members in this House might not know that it is obvious fact. Sir, these problems, as I see it, require determination by the hon. Members, the representatives elected by the masses in this country as leaders to lead the country irrespective of what Russian would think of Kenya, irrespective of what America or Britain would think of Kenya. We should aim at what is right for Kenya and what determined steps can we take to put Kenya on the map as Kenya. In the interest of their children. In the

interest of our nation. In the interest of anybody who has the interest of the Kenya people.

Mr. Speaker, Sir, it has been said in this Government that the conditions which pointed Karl Marx in 1848 to draw the communist manifesto based on capital are non-existent in Kenya.

An hon. Member: You are misleading us.

Mr. Muliro: If I am misleading anyone in the right direction then we shall continue straight on and mislead until someone else comes to correct it.

Mr. Speaker, Sir, when Karl Marx drew up this document in 1848 where he claimed and stated his ideas, which were that a worker owns no property. The worker in all respects be free to move and to own the machinery of production which directs him. That, Sir, was the argument which he was fighting, that in order to do that we must have a communist society, must create a dictatorship of the proletariat. Those were the ideas at that time. But there have been improvements when it came to practical working on the philosophy, improvements have been made, and from those improvements we have to make more improvements for Kenya, Sir, what today—Hon. Members are making jokes over the word "communism". A number of them know nothing about it. The people who talk about communism have not even seen a copy of the communist manifesto. The people are being confused deliberately. Mr. Speaker, Sir, if any of the hon. Members want to give up in the cause of Karl Marx, wanting to read a few chapters on the communist manifesto then come to my library. Mr. Speaker, Sir, I realize that the hon. Members are narrow and never seen a copy. Next week I will bring one and then the hon. Member for Narok can read for the week and then I will take it back the following week.

Mr. Speaker, Sir, these ideas of communism is a camouflage by individuals in order to create further confusion. This is not the time, Sir, for confusion, and when I say it like that I mean it as I am a Roman Catholic, I would be the last person to accept communist ideology, as a capitalist I withdraw, reject the doctrine of communism, which is, according to the teaching I learned from the Roman Catholic faith which is a Godly society. Sir, when one talks on the Summary, Sir, on page 16. It says, "that the main features of African socialism—", without having to define it, is political democracy, mutual social responsibility, various forms of ownership, a range of controls and diffusion of ownership to avoid concentration of economic power. Now, Sir, when we in this House, are going to act

[Mr. Muliro] this document. We are going to pass it in this House but it is here it is going to become a dead letter even more than that which was in the Kanu Manifesto. Sir, it is said that African society during colonial days were poor. Mr. Speaker, Sir, who denies this? But this House knows that if those hon. Members today here did not have money for their election campaign, they could not have got elected.

Mr. Anyieni: Mr. Speaker, Sir, on a point of order, all these hon. Members who are sitting near me are talking as if they do not want me to bear.

The Speaker (Mr. Slade): I was just on the point of suggesting Mr. Anyieni that you yourself should talk less. I think that all hon. Members in that part of the House are making too much noise for Mr. Muliro to be heard.

Mr. Anyieni: Mr. Speaker, Sir, let me move away from this. I was only protesting.

The Speaker (Mr. Slade): Some of your protests were directed across the Floor.

Mr. Muliro: Mr. Speaker, Sir, I was stressing the point that if some of the hon. Members in this House had not had some money, then they would never have got into this House, including myself of course. I say this: that money is necessary for the political fight, and in determining who is to represent us. We heard the speaker saying that those have-nots enjoy universal suffrage; one man one vote, and one man buying 100 votes.

Now, Sir, I cannot deny this, though some Members may. I was returned as the Member for Trans Nzoia, so what?

If there was no money we would never have come, because we were paid with money. Mr. Speaker, Sir, this is what I say, that whatever we say about money and the control, the techniques which are embodied in this document as political democracy or the political equity which we were talking of, is a mere daydream.

Mr. Speaker, another point which was raised here is on education, I accept that this is long-term project. It is an investment and which only yield results after a long time. I hope, when the Minister for Education will be talking on this Paper, he will tell us some of the crash programmes, the techniques of how we can manufacture more teachers. I would give him this harmful suggestion, that all teachers, all high school students in Form V and Form VI should at least be given one or two lessons per week in

the methods of teaching, so that when they leave the school they are ready to go to high schools and universities and become teachers, instead of wasting further time in a diploma's course. We need this in order to develop this country. This is what I think must be done, and all the students who go to university, particularly the arts and science students, should do likewise so that they do not waste an extra year at the University of East Africa getting a diploma. When they have finished they go out and start teaching. This is what I think the Ministry of Education must do in the interests of economic development, because we need educated material, and educated local manpower for whatever development we want to carry it out in this country. A borrowed *jembe* is a mere borrowed *jembe*. When you want it most the owner will take it away from you, and the borrowed steel technicians which come from abroad with these people find these conditions in Kenya which are very normal in developing countries. They find conditions in Kenya politically unpalatable to them, and they might withdraw at any moment. Therefore, Sir, we would like to tackle this as quickly as possible.

Another point is the Form V and Form VI students. We would like technical colleges for them, at least one or two per province, so that we can send our technicians to these colleges on a short-term basis, and they would come out to do the work. This is what I think must be done if we have to get anywhere in this country, because as it was said yesterday, skilled manpower in every technique in our development is of vital importance.

Now, another point, Sir, which I would like to dwell on under education is this: in areas which are backwards, like Masai, Turkana, and part of the Coast Province, definitely we have to find advice on giving compulsory education to these people, because all that manpower is a waste to Kenya. Some areas have no schools even. Today in the Central Province, one will not force the parent to take the child to school. The parents queue at the school to get their children admitted in Form I. But, when one goes to Masai, Sir, one will find the chiefs have to go to collect the children to go to school. In Turkana, it is impossible to get five children per classroom. I think the Government must spend a bit of money in those areas to force those people to develop, because the lopsided development which we have because the lopsided development, should had under the colonial administration, should not be allowed to linger on because backward people are a threat to the economy and the security of this country.

[The Minister for Co-operatives and Marketing] This is the essence of African socialism, as I see it, Mr. Speaker. It is the mutual dependence of the individual and society, for mutual social, political and economic security. This definition of African socialism that the individual is not a passenger passively carried in a ship of state, but is a member of the crew who participates in the important business of the sailing ship of the state. Again, here, I underline that, Mr. Speaker. The individual, therefore, while utilizing his intellectual talents, physical ability and other mental resources, Mr. Speaker, and while enjoying acquiring the good life for himself, benefits the society at the same time.

African socialism, Mr. Speaker, also provides for those frailties that are so human, such as differences in mental and physical ability of different members of the society. It provides for those who have ability to acquire wealth quickly to distribute part of it for the benefit of their less fortunate brothers, because I think it is human that some people are more capable of doing a thing than others. Therefore, this Paper, as I have said, can benefit those who are less fortunate by the way of taxes. Thus, broadly speaking, African socialism, Mr. Speaker, provides for equitable distribution of national wealth to society members in a manner which assures that it is not concentrated in the hands of the unscrupulous few while the less well-endowed millions starve.

Mr. Speaker, Sir, African socialism, as I see it, is truly African in origin and seeks to solve economic, social and political problems not only in this country but in Africa as a whole.

Mr. Speaker, Sir, the economy of this country to a very large extent depends on agriculture. I would like to hammer this very much, Mr. Speaker. Our plans in agriculture provide us with perhaps the best example of African socialism at work. In the development of our future economy, my Ministry has been assigned a very important role. In most developing countries, economic progress depends upon a co-operative economy and a co-operative economy depends upon education. Progress depends on the quality of voluntary workers who participate in it with a sense of national dedication. Progress also depends on the quality of those who are prepared to volunteer to work and who participate in it with a sense of national dedication. Although good merchandise speaks for itself, as we have been told many times, Mr. Speaker, it also speaks with even greater effect with the help of experienced and well-trained people.

Mr. Speaker, Sir, the co-operative movement in this country has its direct roots in African

traditions. Therefore, if the movement is to play its proper role in the future development of this country, as laid down in the Paper, there can be no doubt that it must be made strong, efficient and self-supporting. This will involve greater discipline and training for those who participate in it. We must develop our talents and abilities by planning and operating training programmes for manpower in co-operative organizations. The object of this is to raise the standard of performance.

POINT OF ORDER

READING OF SPEECHES

Mr. Oduya: On a point of order, Mr. Speaker, Sir, I want to know whether, when we Members stand up, we will also be allowed to have a written speech and read it, because I can see that the Minister is reading what has been written down. We do not know whether it has been written by his experts, whether foreign or local.

The Speaker (Mr. Slade): Mr. Oduya is quite correctly reminding the House of a Standing Order which says that speeches shall not be read. In the application of that Standing Order, it has always been recognized that the Mover of a Motion, particularly a Minister, if he has to deal with matters of detail, technicalities or a very large and intricate picture, as was the case in moving this Motion, is allowed some exemption from that rule. However, in other respects, hon. Members are expected to observe that rule; they can refer to notes, of course, but not read every word, and I would hope that the hon. Member will try to be spontaneous.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): On a point of order, Mr. Speaker, in view of the fact that we take this document as a very important one and we would like to give detailed information and to define our position in this House with that whatever speech is made in this House will be compiled for detailed information to the country as a whole. I think, Mr. Speaker, in this case when a Minister speaks, it is like an introduction, because here we are dealing with details concerning the Ministries.

The Speaker (Mr. Slade): Where hon. Members particularly Ministers, are dealing with details and technicalities, this position is, indeed, as Mr. Onyok says, and they must be allowed to read that does not apply to hon. Members who are dealing with generalities, when I think Mr. Njeri was doing up to this point in his speech. There are very good reasons for this rule. One is the

[The Speaker] reason Mr. Oduya mentioned, although I do not say it applies in this case, that it is too easy for hon. Members to read speeches written for them by others. The other is that it makes quite a difference, because a spontaneous speech is much more interesting and easy to listen to than a speech that is merely read. So I would again ask for spontaneity to the best of hon. Members' ability.

The Minister for Co-operatives and Marketing (Mr. Njeri): Mr. Speaker, Sir, I would like to make it clear that I was only reading my notes. As you know, I have done extensive research on this paper and also as a member of the Cabinet Committee which prepared this paper, I wanted to be able to quote details fully in amplification of the policy speech made by the Minister for Economic Planning, and I was viewing my speech in relation to this amplification and to its application to my Ministry of Co-operatives and Marketing which I think is going to play a greater role in the application of the African socialist state. Can I continue?

The Speaker (Mr. Slade): You can continue, but try to give us a spontaneous speech.

(Resumption of debate on Motion)

The Minister for Co-operatives and Marketing (Mr. Njeri): Mr. Speaker, when I looked at this Paper I found, Mr. Speaker that it was right and proper that the basis of African socialism must be very fundamental, must be very original and therefore, co-operative and marketing. Mr. Speaker, was one of those factors which will be the foundation stone of the Sessional Paper which has been tabled in this House on African socialism.

Mr. Speaker, I may perhaps go a little further than that. In relation to this Paper, Mr. Speaker, as I see it, to enable the fair distribution of wealth we must have big co-operatives, we must have organized marketing, we must have an established co-operative bank to see that these co-operative societies in every district can play a role in the fair distribution of wealth among the citizens of every society. I see, Mr. Speaker, the introduction of a co-operative bank, whereby societies of various regions or various districts will be afforded the opportunity of using the financial opportunities that will be provided under these things by the co-operative ministry which will pass through to the members, money to deal with things which I consider having reached only a few which, of course, are therefore only benefiting a few people, which, as I have quoted previously, I call the capitalist class. Because this

bank will be able to lend money to the co-operative societies in order that the co-operative societies may be able to organize the marketing of the produce from the various districts. This, apart from the taxes, which of course is not in my portfolio and which I do not want to talk about has been excluded in the Sessional Paper, will play a greater role, Mr. Speaker, to have a fair distribution of work. When this is expressed, Mr. Speaker, then we shall not, and I repeat, Sir, go back to the camp of confusion to say which "ism" we support and what "ism" we do not support because everyone will go a long way to having his demands and problems removed by the system of a co-operative bank. And, Mr. Speaker, as I would like to say I do not want to continue by speech because my emphasis was that the Paper caters for what is good for this country, not what we have been told is good for this country by others, but what is good for this country and Mr. Speaker, with those few words I would like to support the Paper with this little contribution that I have made.

Mr. Mafiro: Mr. Speaker, Sir, I rise to speak on this Paper and before I say anything on the Paper, Sir, I would like to place on record my gratitude and that of many of the people whom we represent in this country, that the Government at last has come out with a document which some might call African socialism, but which I personally would rather call an economic document for Kenya. Sir, Kenya has been very confused and it has been confused by our Government for a long time, the Kenya Government, including the Junior Ministers or Assistant Ministers, Mr. Speaker, Sir, one person says this in Nakuru, another says this in Nyeri, another one says something else in Mombasa and one in Kisumu and in Nairobi someone says something else. There are more Ministers making speeches elsewhere. There are more Ministers making speeches in the Western Region, Mr. Speaker, Sir, I say this because of the confusion which has been created. This document at least gives us a way, at least *modus operandi*, a way in which we can operate, Sir, it has that much and I congratulate the Government upon the production of this document.

Sir, in the document it has been clearly stated as a free play here and there that is derived from and what was contained in it is derived from African tradition which is the thought of African socialism. Sir, in my humble submission, if we look into African tradition, tribal, various tribal cultures, various tribal traditions in Kenya, today, we will not find our answer to the document which is before us today.

[Mr. Osofo] because they are adults and have their own families.

Mr. Komora: Mr. Speaker, Sir, is the Assistant Minister not aware that in the plots that are partly coral, the settlers earn money by selling the rock, and as such those settlers do not necessarily qualify to own more than one plot?

Mr. Osofo: Mr. Speaker, the interest of the Ministry is in economic farming, and not in the economic selling of rock.

The Speaker (Mr. Slade): We must go on now.

Is there any hon. Member authorized by Mr. Rurumban to ask his Question 1099, or by Mr. Amin to ask his Question 1082?

Then we will go on to the next Order.

MOTION

SESSIONAL PAPER No. 10 of 1963/65:
AFRICAN SOCIALISM

THAT this House, having studied carefully the Sessional Paper No. 10 of 1963/65 entitled "African Socialism and its Application to Planning in Kenya" notes and adopts the said paper as the basis and guide for future development planning and policy in Kenya.

(Resumption of debate interrupted on 4th May 1965)

(The Minister for Economic Planning and Development, on 4th May 1965)

POINT OF ORDER

LIMITATION OF DEBATE

Mr. Kibuga: On a point of order, Sir, may I know from you the time that will be allowed. Is it the usual five minutes or more?

The Speaker (Mr. Slade): There is no time limit either for the duration of this debate or for the length of speeches each Member can make, as long as he remains relevant, and not repetitive. It is open to the House to resolve on a Motion that there shall be limitation of time but it can only be moved by a Member of the Sessional Committee and by direction of that committee. There have been no such Motion as yet, and if an hon. Member is lucky enough to catch my eye, he will be able to speak as long as he likes.

Mr. Anylen: On a point of order, Mr. Speaker, Sir, under what Standing Order do we limit the speeches, in view of the fact that I understand Government intends to adjourn the House at the

end of this week? Under which Standing Order could we propose that this be limited to only twenty minutes, so that we can allow more Members to speak?

The Speaker (Mr. Slade): It is Standing Order 71, which provides that no such Motion shall be made except by a Member of the Sessional Committee, and under the direction of that committee. It can be moved then without notice.

(Resumption of debate on Motion)

The Minister for Co-operatives and Marketing (Mr. Ngeli): Mr. Speaker, I rise to speak on the Paper, about African socialism, and I would like to make some observations before I continue with what I term the application of African socialism to co-operatives and marketing in Kenya.

Much has been said by my colleague the Minister for Economic Planning, about the confusion which has been going around the country, and of course, one which cannot escape without any comment. We have heard much about communism, much about capitalism, much about socialism, but this House has no record of any lacking-isms as opportunist-ism, and also the one which caters for thousands of millions of people in Kenya. As an elected Member, and also a Cabinet Minister, I would like to say something about this. It is clearly stated in Kana's Manifesto, and the President of this Republic, together with the hon. Members, have read it in black and white, that this country can only go on the non-alignment policy. It is true that it has been introduced into this country. It is true that one favours or one may think in the way of socialism, communism, Kenya-ism, as I think, and capitalism, but I think the best-ism is the one which is suited for the advancement of the people of Kenya, but not the one which was centuries ago, profounded by the people who have already left this world, people like Engels, Karl Marx, and also some of the people from the Western countries, like Great Britain, America and so on. In fact, Sir, of late we have been studying these -isms, and I have been left in the same conclusion that millions of people in Kenya are in confusion today, because if the -ism has been made to suit your own interest, then you are going the wrong way. The -ism must be such to cater for the advancement of the people of the particular country.

Mr. Speaker, Sir, if the hon. Members could be reasonable and listen to me, then they would also have ample time to comment, but please give me freedom.

[The Minister for Co-operatives and Marketing]

As far as -ism is concerned, I would like to say this, Mr. Speaker: I am not an enemy of westernism, capitalism or communism or socialism, as long as it fits, as long as I can get some experience from that country which will suit our country. Today, we are creating enemies all over the world because we are saying things about the Chinese, about the British, about the Americans, and so on, but there are some British, some Chinese, some Russians and some Arabs who are well-wishers of this country; not all in America, not all in Russia, not all in China, not all in Africa have an ill-will towards us. Therefore, to those I am saying, welcome to Kenya. But as regards a few from many countries who can only be happy so long as Kenya has confusion, as far as political ideologies are concerned, I say that they are the greatest enemies not of Kenya but of the whole of the Continent of Africa.

I believe in Kenyanism, I believe that I should be given freedom to decide what suit of mine I am going to wear, I believe I must determine, not alone but in conjunction with the majority of the people of Kenya, which way we list. We are not going to follow this because we are being spoon-fed, nor are we going to follow what because one particular person thinks that we should follow that. I think the people outside, being given guidance by this House, being given guidance by the Government, will have to decide which way we have to go, Mr. Speaker.

The hon. Minister said a lot of things, which I shall not repeat, he recited many things from great political thinkers of the world to the present statesmen like President Nyerere. My concern, Mr. Speaker, today is to see how this policy here, as laid down by the Sessional Paper No. 10, can be applicable to the daily life of the ordinary citizen of this country.

Mr. Speaker, Sir, if I may start, as I see it, in co-operatives and marketing, I hope I will not be accused of playing my own tune, but I think this is one of the avenues of salvation for the trouble that we have in this country, Mr. Speaker, Sir, African socialism and its application to planning has now been defined in this White Paper which has been tabled by my friend, the hon. Minister for Economic Planning and Development. It truly reflects a statement of intention rather than fact. The document is a reflection of Government's overall assessment of the viewpoint of the people and it is entirely based on the Kana's Manifesto, which is the mandate this Government has. The definition of African socialism as described in this Paper applies with particular force to this country

and deals specifically with the conditions and changing circumstances of our people. Our concept of this idea differs from communism in that it ensures for every citizen equal political rights, and from capitalism in that it seeks to prevent the exercise of disproportionate political influence by economic power groups.

Mr. Speaker, Sir, as I understand from this Paper, the main features of African socialism are political democracy, mutual social responsibility and various forms of ownership; a range of controls to ensure that property is used in the mutual interest of the society and its members, diffusion of ownership to avoid concentration of economic power in the hands of a few, and progressive taxes to ensure an equitable distribution of wealth and income. Although the White Paper makes no reference to minorities, it does acknowledge that the foreigner has a role to play in our new republic, either as investor and developer or as an individual. Mr. Speaker, Sir, as this country develops into a welfare state, it is only right that preference must be given to the citizens, so that they may be able to enjoy the fruits of the freedom which we have won with our blood and toil. At the same time, those who are better endowed must make sacrifices in the interests of the people and the country as a whole.

I congratulate the hon. Minister for Economic Planning on producing this comprehensive Paper, together with his colleagues, in clearing the minds of many people as to the true nature of our concept of African socialism. Mr. Speaker, Sir, the concept of African socialism as used in this country's policy does not cover the social aspect only. It covers a broad field and includes social, political and economic features, all wrapped up together. In order to define it, therefore, one must take into account all three components. African socialism is not just a concept, it is more than that, it is a way of life which penetrates deep and finds its nourishment in the traditional customs—and I repeat traditional customs—and practices passed down from generation to generation. This is the basis, this is the foundation, this is the corner-stone of the whole political ideology in any country. Mr. Speaker, in any corner of the world, African socialism, Mr. Speaker, as I see it, is a way of life which penetrates deep, as I have said. Therefore, it is a living organism in which an individual can find social, political and economic security; and this is why this Paper must be studied so well as to see whether these fundamental concepts are laid down. This is mainly what it is the mandate this Government has. The individual's thinking and behaviour can enable him to benefit the community in which he lives.

[Mr. Konchellah]

not know whether he wants us to export girls for recreational purposes!

Mr. Anyieni: Mr. Speaker, Sir, would the Assistant Minister agree with me that some of these students who returned did so because some of them were Standard VIII chaps who had been selected to go to university, and thus finding it difficult to continue with a university education, they decided to come back?

Mr. Konchellah: Mr. Speaker, Sir, it might be that this point is one of the points which we are trying to find out and, therefore, I am not yet ready to give an answer to that.

The Speaker (Mr. Slade): I think we must go on, as the Assistant Minister is obviously not prepared to give more information.

Question No. 2049

AFRICANIZATION OF PRESS ATTACHE IN LONDON

Mr. Obok asked the Minister for External Affairs if he would tell the House when his Ministry intended to Africanize the post of Press Attaché at the Kenya High Commission in London.

The Assistant Minister for External Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The post of Press Attaché at the Kenya High Commission in London has not yet been filled. An expatriate officer, at present on a short contract, is acting in that post. An African officer is now under training and he will take over this post in the near future.

Mr. Oboki: Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House what benefit the Kenya Government is getting by keeping an expatriate officer in that position, when we have African already in the country, with great experience, who could do the job?

Mr. Matano: Mr. Speaker, Sir, the work involved needs experience and it is a special type of work. That is why we cannot just use anybody to go and take over the job. We are training somebody to take over immediately.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister explain what he means by "near future", does he mean two months time, or when is this student going to have his training and when will he take over, roughly speaking?

Mr. Matano: Mr. Speaker, Sir, in the near future means as soon as this Kenyan is ready to take over.

Mr. arap Toor: Mr. Speaker, Sir, arising out of the reply of the Assistant Minister, will he give the House the name of the person who is going to take over this post?

Mr. Matano: Mr. Speaker, Sir, I am not in a position to give the name now, but if the hon. Member is interested, then he can get the name in my office any time he comes to it.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister in a position to let the House know whether it is only in London that we have this shortage, and if not, how many people are in training to act as Press Attachés in various countries?

Mr. Matano: Mr. Speaker, Sir, I think this is another question, but for the information of the Member we are short of staff all round and we are trying our best to train them and get them to the places where they are most needed.

The Speaker (Mr. Slade): Question 2002 must be left off because it has already been answered.

Question No. 2047

DIFFERENT KINDS OF TRADERS' LOANS

Mr. Odero-Sar asked the Minister for Commerce and Industry whether the Minister would tell the House the reasons for giving loans to traders in different forms, i.e. some receiving loans in cash and others assistance in goods.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I beg to reply. The actual policy of the Traders Loans Board is to issue loans in the forms of goods, and it is only in very exceptional cases that cheques are issued to Africans. The reasons behind this policy is to avoid the mistakes of the past where loan recipients were tempted to use business loans for personal conveniences rather than for business. To quote a few examples, Mr. Speaker, Sir, for the interest of the hon. Members: we have known cases where business loans were used for coffee planting or for buying private cars and, in some very extreme cases, for payment of bride price.

Mr. Speaker, Sir, such practices have resulted in a very high percentage of defaulters, because the investment was not a very paying investment. We shall, therefore, continue to stick as strictly as possible to the practice of issuing loans in the form of goods rather than cash or cash cheques.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, in view of the past experience that loans in cash have resulted in so many defaulters, would the Minister assure this House

[Mr. Shikuku]

that in future, for the good name of the country and also in the interests of the traders in this country, that loans in the form of goods will continue and not cash?

Dr. Kiako: Mr. Speaker, Sir, I thought that that was exactly what I said, and as soon as the National Trading Corporation has depots in various districts, the same instructions will be given so that people can get the goods from the National Trading Corporation.

Mr. Oniar: Mr. Speaker, Sir, arising from the original reply by the Minister, is he aware that the loan in form of goods is very expensive to the African traders because in many cases the authority which is responsible for giving loans in the form of goods choose the shops of the Asians who are their friends and, therefore, they charge a very large interest to the African traders?

Dr. Kiako: Mr. Speaker, I do not accept the allegation that the Traders Loans Board do anything of that sort, but I indicated as I was replying to the hon. Member for Butere that as soon as the National Trading Corporation has its depots or shops in the various districts, the goods will come from the National Trading Corporation's authorized shops, but in any case the goods are given of equal value to the amount of money agreed by the board.

Mr. Odero-Sar: Mr. Speaker, would the Minister tell us of the special conditions when he said that there are certain special cases where cash is given instead to the traders?

Dr. Kiako: Mr. Speaker, I said that was the past experience which proved to us that it was a mistake.

Question No. 2040

NUMBER OF APPLICANTS FOR SETTLEMENT

Mr. Ngala asked the Minister for Lands and Settlement if—

(a) the Minister would state the number of applicants on waiting lists in the Shimba Hills, Mtwapa and Roka Settlements respectively.

(b) the number of settlers who held two or more plots in Shimba Hills, Mtwapa and Roka Settlements respectively.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. No applicants are on the waiting list for plots in the Shimba Hills. Approximately, 2,000 applicants are on the waiting list

for Roka, and approximately 2,400 applicants are on the waiting list for Mtwapa.

With regard to the second part of the question, at Shimba Hills there are none, although adult sons of all the settlers have been allocated plots and in Roka there are thirty-six and at Mtwapa there are none.

Mr. Ngala: Arising from that reply, Mr. Speaker, where the Minister has allowed some settlers to hold more than two plots at Roka, where there are 2,000 settlers on the waiting list, could he explain why he is doing that favour to particular settlers?

Mr. Osogo: This has been done because where land is predominantly coral, we have to add to such land more acres to make it economic for anybody to farm it.

Mr. Ngala: Mr. Speaker, arising from that reply, does the Assistant Minister not agree with me that at Roka, before the settlement scheme was set up, his own Ministry determined that twelve or eighteen acres would be an economic unit and, therefore, people applied on that basis? Why is it only a few people who have three plots when the majority of the settlers who are already on the plots have single plots? There must be something else.

Mr. Osogo: I do not agree with the hon. gentleman, Mr. Speaker, because when surveying an area, the survey of the soil structure is not taken into account at that early stage, but when an area has been settled, difficulties are found in the soil structure and difficulties have been found in this particular area, where a lot of coral has been found on the land, and it is not economic to give twelve acres to a settler, so we doubled the acreage to allow some of the settlers to have an economic farming unit.

Mr. Gichoya: Arising from one of the replies by the Assistant Minister, that a person with a child is given land and the child is also given land, and the— I think I had better put it better. A person possess land and his own child is given land elsewhere or in the same area, yet there are people with no land. Is it the policy of the Government to encourage one family and discourage another?

Mr. Osogo: It is interesting to see how the hon. Member for Gichugu listens to questions given in this House, and it looks as if some Members have been replying to him as he was speaking, Mr. Speaker.

In my reply, I did not say that children get land, but adult sons of settlers get an acreage,

Mr. Khalif: Mr. Speaker, Sir, it seems that the Minister has only indicated his ignorance regarding this question. I was not asking of initial sums set aside for the North-Eastern Province in January 1964. I am asking about the sum of £50,000 which was set aside by the Government in November 1963. Now, Mr. Speaker, would the Minister give his answer regarding the latter question?

Mr. Mboya: Mr. Speaker, Sir, I am very willing to answer questions, but if the hon. Member thinks I am ignorant of the question he asks, then he can answer it himself.

Mr. Masada: Mr. Speaker, Sir, arising from the reply of the hon. Minister, could the Minister tell us what are the projects now which have already begun in the North-Eastern Province?

Mr. Mboya: Mr. Speaker, Sir, as the House well knows, continued *Shifita* attacks have prevented a start on several important projects in the province. Nevertheless, quite a number have been undertaken, the biggest being the Wajir Secondary School, which took in its first pupils this year. It will be completed in stages over the next three years at a total cost of between £30,000 and £40,000. Other projects include a special administration training course for Somalis, from which successful students have been recruited into the public service. Improvements to Wajir Hospital have been completed and so have extensions to the Mandera and Wajir water supplies. Information services have also been stepped up as planned.

Mr. Khalif: Mr. Speaker, Sir, do I have then to understand that the Government is bankrupt of funds for the North-Eastern Province development purposes?

Mr. Mboya: Mr. Speaker, Sir, the Government is not bankrupt, the Government is doing what it can, but the hon. Member is bankrupt.

Mr. Khalif: On a point of order, Mr. Speaker, I am wondering, Mr. Speaker, whether the sort of allegations which the hon. Minister has made could be substantiated?

The Speaker (Mr. Slade): No, it is not the sort of thing one substantiates, but it was unnecessarily offensive, I think.

Mr. Khalif: Then, Mr. Speaker, could I now ask that the Minister do now withdraw and apologise to the hon. Member of Wajir North?

The Speaker (Mr. Slade): I think you should withdraw, you know, Mr. Mboya.

Mr. Mboya: I do not intend to withdraw, but I intend to say that in my view the hon. Member was bankrupt in his ideas.

The Speaker (Mr. Slade): I am sorry you want to persist in that sort of statement, Mr. Mboya, it is not the best line to take in this House.

Mr. Mboya: Mr. Speaker, Sir, I do not intend to be offensive, Mr. Speaker, but when an hon. Member in asking questions, deliberately and twice goes out of his way merely to infer and to do the sort of thing, he deserves what he gets.

Mr. Khalif: On a point of order, Mr. Speaker, following your ruling of telling Mr. Mboya to withdraw this, I would like, as a Member of this Chamber, to insist that Mr. Mboya either withdraws that allegation or substantiates.

The Speaker (Mr. Slade): It is not a question of substantiation at all. It is a comment on an hon. Member's performance. I think it an offensive and undesirable comment. That is all.

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that you have ruled that it is an offensive allegation and indeed many Members feel it is an offensive allegation, and in view of the fact that the Minister in question is not withdrawing, is there any way whereby we could ask the Minister to leave the Chamber?

The Speaker (Mr. Slade): No, as I explained only quite recently, that it is only when the Speaker comes to the point that he considers as offence so serious that he must name the Member and invite the House to take action. This is not a case as serious as that. I am sorry Mr. Mboya is not prepared to withdraw, but I do not regard it as serious enough to require him to leave the Chamber, and it is true that Mr. Khalif himself used an offensive expression only a few minutes ago. I am not allowing any more points of order on this one.

Mr. Khalif: On a point of order, Mr. Speaker, this is a very special case, Sir, in view of the fact that your ruling has not been adhered to, and you are not prepared to take any action. I would like to leave the Chamber to indicate my disapproval.

(Mr. Khalif withdrew from the Chamber)

Question No. 2030

ASSISTANCE FOR ALLINDINA VISRAM GOOL

Mr. Nalle: Mr. Speaker, Sir, in view of the assurances I have had from the Minister, I wish to withdraw this question.

Question No. 2038

RETURN OF KENYA STUDENTS FROM BAKU:
REASONS

Mr. Ngala asked the Minister for Education—

- If the Minister could state the basis of insecurity which made twenty-nine Kenya students return from Baku (Russia).
- The forms of discrimination that the students had suffered from?
- Why the Kenya Government had not subsidized the allowances made by Russia to enable the students to continue their studies?

The Assistant Minister for Education (Mr. Koechellah): Mr. Speaker, Sir, I beg to reply.

(a) Government is currently sifting information given by students with the Kenya Embassy in Moscow and other sources available to us, to ascertain the basis of insecurity which led the twenty-nine students to leave Baku.

(b) It is hoped that the information thus received will indicate the presence of the type and degree of discrimination to which the students said they were subjected. Statements and memoranda are still continuing. It is not possible to make a statement on the matter at this stage.

(c) On the question of subsidizing students, it is important to note that the Kenya Government accepts these scholarships from any foreign country on the grounds that they are fully maintained and this has always been the case. The Ministry of Education, owing to inadequacy of funds, does not, therefore subsidize students who are receiving fully maintained scholarships under another government, according to the Government agreement signed between this Government and the foreign government.

Mr. Oduya: Mr. Speaker, Sir, could the Assistant Minister therefore tell the House how many students there were, in fact, in Baku, and, out of the total, find out from the Russian Government in Baku if there are any students who are still there and what facilities they are being offered in their studies?

Mr. Koechellah: Mr. Speaker, Sir, I do not know whether I will be accurate in giving a number, because I have not the total number of students who have been left in Baku, but it is quite true that there is a good number of Kenya students still in Baku. There was a group of about ninety and therefore twenty-nine left for

Kenya and four went to West Germany and therefore a good number are still remaining in Baku.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies, would the Assistant Minister not agree with me that it is unwise for his Ministry to allow Kenya students to go to Baku, because that is a notorious place where students are not allowed social mixing, dancing with the women there. Mr. Speaker, Sir, it is very important that the students have proper recreation.

The Assistant Minister for Finance (Mr. Okello-Odugo): Mr. Speaker, Sir, on a point of order, the hon. Member in order to refer to a place in a friendly country as notorious?

The Speaker (Mr. Slade): (Inaudible) but I do not think he was doing it very seriously. If he was, then it is out of order.

Mr. Ngala: According to the impression I had in the paper.

The Speaker (Mr. Slade): Yes, but there must not be criticism of a friendly country except by way of a substantive motion. I thought the "notorious" was rather with "tongue in cheek".

Mr. Ngala: You thought right, Sir.

The Speaker (Mr. Slade): I do not think you finished your question, Mr. Ngala.

Mr. Ngala: Mr. Speaker, Sir, my question was that in view of the current reputation of this place called Baku, Russia, and the students apparently not having proper means of recreation and being regarded as on an unequal footing with other people in that area, would the Assistant Minister not give assurance that our students will not go to that area, to a place where they will be regarded as inferior human beings in that part of the country?

Mr. Koechellah: Mr. Speaker, Sir, as I have said before, the Ministry of Education is still investigating the matter, and since then we have received a number of memorandums and reports from the students, so, at the moment, we do not know what is true in the stuff we have, but our Embassy in Moscow is also trying to forward us some information, so at the moment, we are not in the proper position to give assurances whether the students were right or these students were discriminated against in Baku or not, but we have taken up their explanations for further investigation.

Secondly, the hon. Mr. Ngala mentioned about recreation. I do not know what he means. I do

[Mr. Nyanweya] that is to say they work for twelve days in a year, which entitles them to the salaries in the scales I have already mentioned. However, if any member of the Provincial Council desires to become a civil servant, he will of course present his case before the Public Service Commission and I am quite sure that he, having been a member of the Provincial Council, this will be taken into consideration in the way of experience in public life.

Mr. Kerich: Mr. Speaker, Sir, can the Assistant Minister agree with me that it is the wish of this House that salaries paid to individual members of the Provincial Councils are not enough and should be increased immediately?

The Speaker (Mr. Slade): That is a different question.

Question No. 2015 /

CIVIL SERVANTS' CONTRIBUTIONS TO KANU

Mr. Godia asked the President if he would assure the House that any civil servants who were Kanu sympathizers and who wished to contribute or donate to assist the Kanu Party organization at local, district, provincial or country level, would not be victimized by the head of their department.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply. No, Sir. The Government could not give such an assurance. In accordance with the present regulations governing the Civil Service, all civil servants are prohibited from active participation in politics, and it would be inconsistent with the spirit in which these regulations were formulated, if civil servants were allowed, actively, to support the party.

I would, however, like to tell the House that the Code of Regulations is currently being reviewed and, unless the relevant section is amended or completely removed, participation in politics by civil servants will not be permissible. This does not necessarily mean that a civil servant who is public spirited and who wished to make a donation to the party, could not do so.

Mr. Godia: Arising out of the Assistant Minister's reply, will he consider the possibility of amending the present Code of Regulations so that the civil servants can also take part in politics?

Mr. Nyanweya: Mr. Speaker, I think it is the hon. Members of this House who have already complained of certain civil servants, particularly the chiefs and the district officers, taking part in

politics, and it is a contradiction in attitude when we find that we are being pressed to the contrary.

Mr. Mbogoh: Mr. Speaker, does the Assistant Minister know that the civil servants who went during the elections were bound to side with one party or the other?

Mr. Nyanweya: Mr. Speaker, the civil servants have their right to vote for the person they think should represent their interests in the National Assembly. They have the right too, to decide to contribute to any political organization.

Mr. Mbogoh: Mr. Speaker, does the Assistant Minister agree with me that they are bound to sympathize with the cause of the nationalists after voting for a certain party?

Mr. Nyanweya: I do not wish to agree with the hon. Member for an unknown constituency.

Mr. Ngala: Mr. Speaker, arising from one of the replies by the Assistant Minister, in connection with the review of the Code of Regulations for civil servants, would he not agree with me that instead of having the present situation where civil servants are secretly active in party politics, the reviewed Code should allow them definitely to be members of the party, and active members of the party?

Mr. Nyanweya: Mr. Speaker, Sir, as I deal with the next question, which wants the civil servants to take part in politics, I would like to say here to this question that at present the Government does not wish to allow any civil servants to take an active part in politics.

Question No. 2024

CIVIL SERVANTS RESPONSIBLE TO M.P.s

Mr. Khalif asked the President what the Government had done to implement the Motion passed by this House which urged the Government to make civil servants responsible to M.P.s and Senators.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply. The Government is at present studying the Motion which was passed in this House. The Member who wide implications on the organization of Government and services in this country. I would, therefore, like to assure the House that the Motion is being considered and the House will be informed in due course of the Government's decision.

Mr. Khalif: Mr. Speaker, would the Assistant Minister assure this House that after consideration being given to the Motion it would be eventually implemented as passed by this House?

Mr. Nyanweya: Mr. Speaker, the assurance is reluctantly denied.

Mr. Kerich: Mr. Speaker, would the Assistant Minister assure this House that the Motion will be implemented as it was passed in this House without any reconsideration or alteration?

Mr. Nyanweya: I repeat my previous answer.

Mr. Komara: Mr. Speaker, in view of the fact that this Motion was passed in the House, will the Assistant Minister inform the House what the need is for the Government to study the Motion as it was passed?

Mr. Nyanweya: Mr. Speaker, this is because the Motion, as passed, would mean that it would create 117 civil services in Kenya.

Mr. Khalif: Mr. Speaker, could the Assistant Minister tell us what he means by reluctantly denying implementation of this Motion?

Mr. Nyanweya: I do not wish to teach English for the meaning of English words in this House.

Mr. Wamuthenya: Mr. Speaker, may I know from the Assistant Minister whether, when a Motion is passed here, it is of no use and does not serve its purpose?

Mr. Nyanweya: Any Motion which is passed in this House is of a very great use to the Government.

Mr. Gachaita: Mr. Speaker, if any Motion passed in this House is of great importance, could the Minister tell us the reason why he is denying giving us the assurance on this Motion?

Mr. Nyanweya: Mr. Speaker, I think I have already dealt with that sort of question before.

POINT OF ORDER

GOVERNMENT RESPONSIBILITY ON MOTIONS PASSED IN THE HOUSE

Mr. Ngala: On a point of order, Sir, I rise for your guidance. It is a Parliamentary custom which is very highly respected by all Parliaments in the world that any Motion which is accepted and passed in the Parliament, which is the seat of authority, should be carried out, but apparently the Government has a habit of regarding Motions passed here by a majority as being of an advisory nature only. I would like your ruling, Sir, if the Government is at liberty to take matters passed here by a majority of the House as being of an advisory nature only with no intention of implementing them, because if Government continues like this a vote of no confidence may be moved one day.

The Speaker (Mr. Slade): I think the point that Mr. Ngala has raised is a question of the Constitution, rather than of order in this House, and I am not the final authority on matters of the Constitution; but the position, as I see it, is that the Government is entitled to treat the House as advisory on matters of executive responsibility which are with the Government, though the House has final authority on making laws and voting money.

I think really Mr. Ngala has put his finger on the point himself, when he says the remedy of the House, if they are sufficiently disappointed in Government's failure to regard their views, is eventually to dispose of the Government by a Motion of no confidence.

Mr. Nyanweya: Mr. Speaker, following this particular point which is not, as you have said, strictly speaking, a point of order but a point of the Constitution, would it not be true also to say that there is also a question of time allowed if the Motion is passed in this House and the extent and the labour involved in implementing that particular Motion.

The Speaker (Mr. Slade): Of course, that must be so. In fact, the position, as I see it, is that the final decision whether or not to act on a Motion of this House rests with Government; and if that is so, then, a priori, Government decides how long it can take before it arrives at that decision, and must be allowed reasonable time.

ORAL ANSWERS TO QUESTIONS

Question No. 2022

WITREABOOTS OF DEVELOPMENT FUNDS: NORTH-EASTERN PROVINCE

Mr. Khalif asked the Minister for Economic Planning and Development if he could tell the House what became of the £50,000 which was announced by the Government had been set aside as a fund for development purposes of the North-Eastern Province.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. I imagine the hon. Member is referring to the initial allocation of funds for the first ring to the initial allocation of funds for the first ring Development Plan for the North-Eastern Province. As hon. Members will recall, that plan, announced in January 1964, was to cover the five years 1963/64 to 1967/68 at a cost of about £300,000. At that time, the Government was unable to guarantee more than £50,000 towards it and most of that sum has now either been spent or is committed to the completion of projects already begun.

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that the subject is of enough importance to justify these remarks that I have made. I would like to hope, Sir, that in the debate that is going to follow we will confine ourselves to the issues in the Paper, that we will try to be realistic and positive in whatever proposals that are put forward. I have heard some Members suggest that it may be their wish to amend certain sections of the Paper, and I would like to state here and now that the Government has never ignored useful suggestions when they have been given positively and in a constructive way. If, in the course of the debate, useful points are made, positively and in a constructive way, they will be received in the same spirit and together we shall be able to define the road for the future.

Mr. Speaker, Sir, I beg to move.
Mr. Ochwada: On a point of order, Mr. Speaker, since this is a very important policy statement from Government, could we have a copy of the speech before we start the debate on the Sessional Paper?

The Speaker (Mr. Slade): First I must have a seconder and propose the question. After that, if I see no hon. Member is inclined to open the debate straightway, I shall suggest that the House rises and continues tomorrow.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I stand to second the Motion, but I would like to reserve the right to speak later in the debate.

(Question proposed)

The Speaker (Mr. Slade): If no hon. Member wishes to speak now, then I will suggest that we rise early.

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, Sir, in view of the fact that the present statement by the Minister is more comprehensive and probably more specific than the document that we have just studied, could the Government make it possible for us to have it in pamphlet form just like the pamphlet form we had for its original explanation of African socialism?

The Speaker (Mr. Slade): Normally, hon. Members are expected to study HANDED for what has been said, and it would be quite unusual procedure for a particular speech in a debate to be specially printed for the information of Members, for purposes of debate. The Government might, of course, be interested in doing so for other reasons, but I do not think as a matter of order we can suggest that today.

ADJOURNMENT

The Speaker (Mr. Slade): I think no hon. Member wishes to speak today, so I will exercise my limited power in adjourning the House early, for the convenience of Members. The House is accordingly adjourned until tomorrow, Wednesday, 5th May, at 2.30 p.m.

The House rose at fifty-five minutes past five o'clock.

Wednesday, 5th May 1965

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
The Report of the Nairobi Standing Committee 1964.

(By the Assistant Minister, President's Office (Mr. Nyanweya) on behalf of the Minister for Local Government (Mr. Segini))

NOTICES OF MOTIONS

ONE EMPLOYER FOR TEACHERS

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

THAT this House while appreciating and recognizing the great contribution made and being made by voluntary bodies in education in this country, calls upon the Government to establish one employer for all the teachers in the country according to their wishes.

NO CONFIDENCE IN MINISTER FOR INFORMATION, BROADCASTING AND TOURISM

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

THAT in view of the generally unsatisfactory and unfair manner in which the Ministry of Information, Broadcasting and Tourism has discharged its responsibility to this nation since the achievement of Independence, and noting that with the launching of various national policies based on African socialism, it will be imperative that this nation be accurately informed and properly educated about these policies and the work of the Government of the Republic of Kenya, this House resolves that it has no confidence in the Minister for Information, Broadcasting and Tourism.

ORAL ANSWERS TO QUESTIONS

Question No. 2014

JOBS FOR PROVINCIAL COUNCIL MEMBERS

Mr. Godia: On a point of order, Mr. Speaker, Sir, Question 2014 has been amended in consultation with the President's Office, so may I tell you?

The Speaker (Mr. Slade): Yes, if the President's Office is prepared to answer the amended question. Would you read it out as amended?

Mr. Godia asked the President whether, in view of the fact that members of the present Provincial Councils were entitled to payment of allowances only for meetings attended and to reduced annual emoluments, the Government would advise the Public Service Commission to give them preferential consideration for suitable appointments within the Kenya Public Service.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply. With due respect to the questioner, the question does not arise, as the Government has already decided that members of Provincial Advisory Councils should continue to be paid salaries and allowances. Any member of a Provincial Advisory Council who considers himself suitably qualified for appointment to the Civil Service in the terms of the Commission's advertisements, may answer such advertisements, when his application will be considered along with others.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister agree with me that the fact that the allowance due to the present Provincial Advisory Council members does not cater for their daily needs, which does render them preferential consideration?

Mr. Nyanweya: Mr. Speaker, Sir, I must confess my ignorance and I would like the hon. Member to simplify the question for me.

Mr. Khalif: Mr. Speaker, Sir, I am very glad to simplify the question for my ignorant Assistant Minister.

The Speaker (Mr. Slade): There is no need to be offensive about it.

Mr. Khalif: Mr. Speaker, Sir, the question is, would the Assistant Minister agree that the fact that the allowances at present which the Provincial Council members are entitled to does not cater for their daily needs, entitles them to preferential consideration?

Mr. Nyanweya: Mr. Speaker, Sir, I say I do not really understand the question, but I will try to reply.

The members of the Provincial Advisory Council get a consolidated salary of £420, if they are chairman, per annum, vice-chairman gets £360 per annum, all other members £240 per annum and, apart from that, they get sitting allowance of £1 per day. There are four sessions in a year and each session has three days and

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some people are talking about is merely the Highlands, the former European areas, and no more.

The Government does not only reject the squatter system but steps are being taken to deal with arbitrary cases of eviction of employees and the misuse of trespass laws. But let us not try to play politics with these sensitive and human problems. Let us instead try to co-operate together to get over them.

I should not leave this discussion of development of agriculture without saying a word or two on co-operatives. Co-operatives have strong roots in our tradition, and they will be a prominent feature and instrument in building a truly democratic, socialist and advanced economy. In the field of agriculture, priority should be given first, to producer co-operatives formed by people such as workers and squatters already employed on land. Such priority could be enforced by having credit facilities made available to such groups, as against individuals wishing to buy land. In fact, Mr. Speaker, as I am sure we will be shown later, this is precisely the line which the Government is pursuing.

The Paper goes on to deal with education, public utilities; commerce, industry and tourism; trade unions and consumers. All of these fields are important to our development. I have already discussed critical issues affecting some of these matters and other Ministers will elaborate on programmes in these areas during the course of the debate. Perhaps hon. Members will forgive me if I now move directly to the problems involved in achieving more balanced growth among the provinces.

The Kanu Manifesto promised vigorous action in developing areas of the country neglected during colonial days. The Government has noted with approval the concern of the Members of Parliament with development of these areas. The problem is not at all easy, given our limited resources and when we consider that these areas do not often have the basic natural resources including water or good land. They cannot compete for development money with other parts of Kenya. In purely economic terms, £1,000,000 invested in one area may raise the net output by £20,000, while its use in another area may yield an increase of £100,000. Investment in the second area is the wise decision, because the country is £80,000 per annum better off by so doing and is, therefore, in a position to aid the first area by making grants or subsidized loans.

However, this problem becomes less difficult to deal with when we remember that the purpose of development is not to develop an area, but to develop and make better off the people of the area. If an area is deficient in resources, the development of the people can best be done by a number of measures: firstly, investing in the education and training of the people; secondly, investing in the health of the people; thirdly, encouraging some of the people to move to areas richer in resources; and, of course, fourthly, developing those limited resources that are economic.

With education and training and some capital, the people of these provinces can make the best of limited resources. If the potential for expansion is small, medical services, education and training will qualify the people to find employment elsewhere. But we must press ahead with plans for these areas. The people there cannot be expected to wait very much longer.

Today, some of the provinces and districts that have genuine economic potential remain underdeveloped simply because the people will not accept new ways and the necessary discipline of planned and co-ordinated development. In these areas a concerted and prolonged effort to overcome prejudice and suspicion is needed before development can take place. Such efforts must be very carefully organized and planned and implemented through the Government and Party machinery.

The policies that have been outlined throughout the Sessional Paper pervade the plans constructed and now being revised for every sector of the economy. These sectoral plans and policies must however be co-ordinated so that they fit into an overall pattern that represents Kenya's strategy for development. The main lines of this strategy have been summarized in the Sessional Paper. The construction of plans for the several sectors have been drawn up with this overall pattern in mind. As time passes, of course, the order of priorities will change. In particular as the agricultural and infrastructure base grows, increasing emphasis and capital will be directed toward industrial development.

The foregoing discussion shows that we are committed to planning. Indeed, acceptance of effective planning and control of the use of resources are central features of African socialism. In planning and controlling the use of resources we aim at achieving two objectives: firstly, to find the best ways of using our limited resources—that is, land, skilled manpower, capital and foreign exchange—so that we can attain higher growth rates of our national income and

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therefore, achieve higher living standards for all people; and, secondly, we also plan in order to ensure that the resulting pattern of our economy as growth takes place conforms to our ideas of democracy, social justice and social values. This latter objective is as important as the former, for higher growth rates of the national income could be attained at the expense of the majority, as happened in the 19th Century in European countries.

The success of planning depends on its coverage, determination of the people and the willingness of the people to observe the discipline of planned development. Above all, it is imperative to realize that any activity that uses resources is a proper subject of planning. This is the reason why I said earlier that self-help efforts must also be planned and controlled. Important aspects of planning have all been discussed in the Paper. But emphasis must be laid on the need for discipline. Without this there is no hope for success. As the Sessional Paper says, if discipline is rejected, so is planning and with it African socialism.

I have taken much of your time—and I appreciate the attention, patience and interest of the House—to go into the matters covered in this Sessional Paper in great detail. In fact, I had not to assume that perhaps some Members have not yet quite read the Paper thoroughly and fully. I have taken this time because the whole design for development in Kenya is at stake. We must either move ahead into the hard, practical work of promoting growth and progress or slip back into the morass of confusion and petty wrangling that is already restraining our economic and social advancement. Our people are confused by being told one day that they must work for a living, only to be told the next day by some irresponsible person that if they wait long enough everything will be theirs for nothing. Freedom means the opportunity to enjoy the fruits of our labour, not the chance to enjoy in idleness the benefits of someone else's work.

This Paper assembles in one document a philosophy by which we can live in pride, social justice, human dignity and political equality and a set of practical policies and measures designed to promote economic development, social progress and cultural growth. It is the unanimous hope of the Government that this document will be endorsed by this House, after which it should serve as reference material so that our various politicians can address the people with a unity of basic principles that has not been possible before now.

The Government has adopted policies intended to protect and guarantee political equality, social justice and human dignity at all times, while progressing as quickly as possible toward the freedom from want and disease that higher incomes and rapid economic growth will make possible.

African socialism is the means adopted for achieving these ends. In this concept the universal elements of socialism have been modified to suit the needs and aspirations of our people and the inherited resources on which growth in Kenya must be based. Much emphasis has been placed on the African traditions of political democracy and mutual social responsibility. Under African socialism the Government has a duty to plan and the power to control by a variety of measures the uses of all productive resources and the sharing of the incomes generated. The people have an obligation to utilize fully and well their land, their capital, their labour and their income.

The Government is fully aware of the nation's limited domestic resources, particularly of domestic capital and skilled manpower, and has designed policies to alleviate these shortages as quickly as possible. In the meanwhile, these resources must be carefully conserved and used to promote the maximum development they can possibly generate, both by augmenting them with resources borrowed from abroad and by using them primarily for new growth.

The Government in this Paper has not dodged a single issue, important or not important. It has posed fourteen critical issues and choices and has analysed and explained its stand on each one of these issues. All have not been fully worked out and in these cases the Government proposes to establish working parties to complete the task. This is a comprehensive statement of Government policy that we are giving in this House today.

The principal guide line followed in formulating the policies contained in this Paper is that Kenya must direct and focus its energies on achieving a rapid rate of growth. Without growth the provision of adequate medical services, primary and secondary education and social security for a growing population would be impossible, and Africanization would be a meaningless exercise. This harsh fact is not a discouraging one, however, because growth can be achieved provided only that we all accept the importance of growth and direct our will and energies to making the devoted efforts needed to achieve it.

Mr. Speaker, I come to the end of my speech to the House on this important Paper, and I make no apology for the length of it. I believe, Sir,

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anticipated. We would have to sell sufficient goods to the donor country to raise enough of the required currency to repay the loan or draw down our limited supply of convertible currencies. This situation has led in some countries to the mortgaging of the output of certain agricultural products for years in advance irrespective of price movements, superior market alternatives—abroad or changes in production alternatives at home.

It will be seen from what I have said that as a developing country we must scrutinize all aid offers in relation to our foreign exchange policies.

We now come to perhaps the most important and critical point in our efforts to apply African socialism to planning in Kenya. We already know its definition and I hope we agree on it. We have examined the multiple transitions through which our country is passing. And we have considered the severe shortages of resources at our disposal. We have now to consider the practical steps and measures that we must take to implement African socialism in Kenya.

The choices that we must make stem from the fact that we want to accomplish a wide range of things while the resources we have at our disposal are limited. We want to grow rapidly; to transform the economy from a subsistence to a market economy; to develop our land and introduce modern agricultural methods; to industrialize; to Africanize the economy; to provide more employment opportunities; to have universal primary education; to expand secondary school enrolments; to build hospitals and health centres; and to relieve the housing shortage. To do all of these things quickly and simultaneously would require many more resources than we have or can quickly acquire. I do sincerely hope that members will study this part of the Paper very carefully. It is not enough to dismiss these points casually and to mislead the people as to how fast we can move. Our limited resources dictate that we must choose carefully as to our priorities. It is not enough, Mr. Speaker, to mislead the people into thinking that all you need to do is to nationalize the East African Breweries and the Tobacco Company, and give every child in this school free education the next morning. That is a very unfortunate and ignorant analysis of the economic situation of this country. It may prove to be a very convenient, political debating point of speech, at a particular political meeting, but when hard facts are examined, you may nationalize the breweries, nationalize the tobacco company, nationalize the hotels, but you will still have not got free compulsory primary

education for every child in this country the next morning. Instead, what you will really be faced with is to pay compensation to all these companies and to remove from the limited resources we have, the very money we need to begin to get social facilities for our people.

Mr. Speaker, Sir, I hope some Members in this House will treat this as a very important and critical issue. Today, at the Coast, one of the things that has happened which affects us greatly is the closure of the Kamisi Sugar Factory. All these lead to serious problems of unemployment, and this matter should not be taken casually. They are not the things with which we should play.

The Government cannot avoid the choices to which I have referred, nor can we as a Parliament remain vague as to the policies that must be pursued. If we are afraid of making the decisions required of us we abdicate our responsibility and reduce development planning to a mere academic exercise, one that will have no impact at all. Other Ministers will discuss these issues in some detail during the course of the debate. I shall, therefore, confine my remark to principal issues and related matters.

In the Sessional Paper we have considered all aspects relating to the issue of nationalization. I sincerely hope that Members have studied this section of the Paper carefully. It remains for me to make only a few supplementary comments on this subject.

It has been suggested by a few people that if our Constitution stands in the way of massive nationalization because of citizenship guarantees and by stipulating prompt, fair and full compensation when nationalization takes place, it should be amended. But is this the real wish of our people? I believe that in fact those who call for nationalization are thinking primarily of non-Africans who own shops or other means of production. If we amend the Constitution the amendments would clearly change the rights not only of non-African citizens, but of all citizens, Africans, Asians and Europeans alike.

Many people who speak glibly of nationalization are really referring to Africanization. They want the ownership of resources to be transferred from non-Africans to Africans, and feel that nationalization a convenient label under which to justify their desires. Should such transfer take place I have a strong feeling that many of these apparent supporters of nationalization would be apparent supporters of different views. Many among them are not asking for nationalization as a socialist measure, but as a racialist measure. It

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fact, I have heard the same people protest vigorously against any suggestion of nationalization of assets owned by fellow Africans or land in the former African reserves. It is obvious therefore that the term is being wrongly used in this case. It must also be noted that our own Party Manifesto specifically excludes any idea of wholesale and indiscriminate nationalization.

But another reason why we should not tamper with the Constitution is that such action would undermine our standing both in the eyes of our own people and abroad. It would, for instance, affect the attitudes of investors as well as the very valuable aid we get from donors. It would also affect the initiative among local people to save for investment. It would tend to reduce the attraction which may now hold for local as well as foreign investment and this slow down growth itself.

I feel I must emphasize again that if nationalization were applied to a given economic activity, such as bus transport, it would affect everyone, African and otherwise, owning productive resources in that industry.

In the Sessional Paper as well as the Party Manifesto we envisage circumstances which would necessitate nationalization. These include—

- (i) when the assets in private hands threaten the security or undermine the integrity of the nation; or
- (ii) when productive resources are being seriously and clearly misused or wasted; or
- (iii) when the operation of an industry by private concerns has a serious detrimental effect on the public interest; and
- (iv) when other less costly means of control are not available or not effective.

It must be realized also that a nationalized industry must in most cases be self-supporting. It must be run efficiently and at a profit. It must not become a burden to the taxpayers or just a source of inferior service or goods. Otherwise nothing is gained by nationalization.

Mr. Speaker, at this point, I might as well say, here and now, that those who tend to think that we should learn a lesson from Britain on this subject have not understood the problems of British nationalized industry or even attempted to study them. Nor are we going to do something merely because Britain did it. We retain the right to decide for Kenya what is good in Kenya, and what should be done in Kenya.

There is, of course, the time when a Government must nationalize a service as part of its responsibility to the nation. In such case cost would not be the deciding factor. In some countries nationalization has been resorted to as a weapon against dangerous foreign influence. This kind of decision is political and not economic. It has nothing to do with socialism as such and the need has not arisen in our country at the moment. Nationalization will be used in Kenya when circumstances require such an action but it would be an error of great magnitude to regard it as a panacea for all our problems. It would be an error of great magnitude for someone to deceive the public. The answer to their problems of poverty, disease, and lack of education is the indiscriminate massive nationalization of every means of production. This is ignorance in its highest form.

In the case of the Africanization of the economy the problem is to reconcile the urgency of the matter with citizenship guarantees and the desire for rapid economic growth.

The Sessional Paper refers to the constitutional guarantees as well as the declarations in our Manifesto regarding the rights of all citizens. This is an important consideration. At the same time we must consider the serious imbalances inherited at the time of Independence. These cannot and will not be permitted to continue. Government's approach to this problem is fully explained in the Paper and will be further amplified by my colleagues during this debate. The bulk of these efforts are directed toward establishing Africans in a firm position in the monetary sector by ensuring that a large share of the planned new expansion is African owned and managed.

Our people also have legitimate desires for welfare services. Unlike the capitalist countries of the 19th Century, where the individual was left to fend for himself, our Government recognizes that it must provide our people with basic welfare services which are a necessary part of individual dignity and social justice. It is the firm intention of the Government to provide financial and hospital services, old age and disability benefits, free universal primary education, unemployment relief, and financial assistance to all those who need and merit it for university studies. These are our objectives and they are well known, they have been stated time and again, but to provide them fully and freely now is not only in many cases impossible, but would also bankrupt the nation and mortgage economic growth for generations.

Mr. Speaker, at this point, it might be useful to refer to that part of the Paper which clearly

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Those who continue with university work will receive degrees in 1975; that is, in ten years' time. Those who go on for advanced work cannot be counted as part of our manpower supply until 1976 or beyond. In the case of doctors, for which the need is so great, none of the students now in Form I this year will be available to us as part of the manpower of this country before 1978—that is, in thirteen years' time—and the numbers emerging will still leave us far short of the number we must have.

I hear someone saying, "Accelerate". Mr. Deputy Speaker, unless there is an instrument we are going to put into their brains, to accelerate and bring the school curricula into one year instead of four, there is no acceleration in this progress; unless, of course, it is suggested that we might as well employ witchdoctors in the hospitals.

Mr. Deputy Speaker, at this point I might draw the attention to a point which has been made outside this House by some of the critics of the Government. We have been told, for example, that in Tanzania secondary school education is now given free, and that Kenya should follow suit, but I would like to give the House the following facts instead of rumours.

Mr. Deputy Speaker, Sir, there are three States in East Africa, today, Tanzania, Uganda and Kenya. Did I hear anyone differing with me on that? The following are the figures as between Kenya and Tanzania in secondary schools, projection of enrolment in secondary schools in these two States.

Between 1964 and 1969 Tanzania plans to increase enrolment in Form I from 5,250 to 6,755. That is an increase of less than thirty per cent. Over that same period, 1964 to 1970, our revised plans call for a new system Form I, that is in Kenya, enrolment from 8,956 to 17,106. That is an increase of over ninety per cent. Mr. Deputy Speaker, Sir, Tanzania expects enrolment in Form 5 to increase from 680 to 1,220 over five years, an increase of eighty per cent. While we expect our Form 5 enrolment to grow over six years from 792 to 1,992, an increase in excess of one hundred and fifty per cent. At the primary level Tanzania is aiming to maintain school places for approximately fifty-five per cent of the illegible population as compared with our intention to raise the enrolment from sixty per cent to sixty-six per cent. In fact, Mr. Deputy Speaker, the exact figure will come to about seventy per cent, making—Mr. Deputy Speaker, Sir, I do not think

I need continue, but I will invite those who are trying to make a comparison between Kenya, Tanzania and Uganda to cease doing so, and to be concerned with Kenya's problems. We are not in the limelight, we are a reflection.

But our problem, Mr. Deputy Speaker, Sir, if I may continue now, is not only to train and educate more people. We must also train and educate them in the right things and in the right numbers. The manpower survey now being completed, and which we hope to publish in the 1st of this month, will show what the position is, and indicates that our additional minimum needs for university graduates by 1970 will nearly be met from our students now studying at foreign universities and here in East Africa, but the early balanced aggregate picture is marred by bad composition. Surpluses may exist in some fields, such as non-professional B.A. studies, biology, agriculture, chemistry and mathematics and statistics, while severe shortages in others go unmentioned. The major shortages indicated will be doctors, mechanical and electrical engineers, surveyors, pharmacists, physical planners and veterinarians. Additionally, the manpower survey shows that we are in great shortage of office workers, typists, stenographers and book-keepers, and so on. Under these circumstances the Government must now ensure that any funds available be used to assist those who choose the fields that we need most. We must use—

An hon. Member: And fire masters.

The Minister for Economic Planning and Development (Mr. Mboya): Thank you very much. We need a fire master in this House.

We must use available skilled personnel to full advantage and urge everyone to contribute to the maximum in the effort of nation building.

So far I have spoken of education as a means of solving our manpower problem.

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

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

However, the Government recognizes that it is primarily through education that we can create the opportunities among all our citizens. Moreover, we have already declared our intention to eliminate lack of education among all our people.

The third and last shortage with which I will deal is that of foreign exchange. I think it will be necessary to explain what foreign exchange means. Foreign exchange means other countries' currencies. The importance of foreign exchange arises

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from the fact that since we do not produce domestically such things as locomotives, tractors and so on, we must buy these things from foreign countries, and to do this we need these countries' currencies. We do not go abroad with our East African pound, we get pound sterling, dollars, marks, francs, roubles, yen and so on. Some people think that you just carry a lot of East African notes. Somebody even said that if you do not have money then go and print some more. It does not work that way. We can acquire these currencies by selling our goods and services abroad—

An hon. Member: Send ourselves.

The Minister for Economic Planning and Development (Mr. Mboya): You may in fact do that if you wish.

—promoting tourism, borrowing, and reducing our holdings of foreign assets. A foreign exchange problem arises when we cannot pay our bills abroad except by emergency borrowing or reducing our holdings of foreign assets to dangerously low levels. This is dangerous because many of these assets support our currency. Kenya does not now have a foreign exchange problem but great care must be exercised to ensure that the steps we take to promote development, including our foreign policy, do not create this problem. More rapid growth means buying more capital goods from abroad to generate growth and importing more consumer goods to satisfy the growing demands of people with higher incomes. As capital goods do not create immediately enough additional production to pay for themselves, the foreign exchange required to buy them must usually be obtained through borrowing or a surplus of current exports over imports. At the present time, Kenya is succeeding in borrowing from abroad to pay for its excess of imports over exports.

These borrowings are often long-term such as ten, fifteen or even twenty years or more. This creates the danger that we may tend to forget or take lightly our liability and the need to use such funds efficiently. We must be able to repay the loans when the time comes in the currency of existing assets or inefficiently in new development efforts, their use will not generate the foreign exchange needed for repayment.

I feel I should now say something about bilateral trade and aid agreements. Too often one hears people say "Oh well, our friends will help us." Whatever friends? Bilateral trade and aid

agreements can lead to specific trade and aid currency problems. If we sell goods to a country whose currency is not convertible, for example, that is a country whose money cannot be readily accepted for the currencies of other countries, that foreign currency is valuable to us only if we can find useful goods to buy in that country at reasonable prices. If this is not so then we will simply be advancing credit to the more developed country. Furthermore, as the currencies of these countries are not convertible, a serious difficulty arises in financing the local costs associated with the capital equipment these countries can supply in foreign aid.

This is a subject which may not be easily understood by some people in our country. I would like to explain it in simple terms. If we get money from a country as aid, we must be able to use the money to buy the things we need. For example, when recently we received a gift of £1,000,000 from China it was given in dollars through a Swiss bank. This way we are able to use the money to buy goods anywhere in the world. If on the other hand we got the gift in Yen we could only use it to buy goods from China or some third country which needs Yen, because of the difficulties of conversion. At the same time when we get aid of say tractors or locomotives or assistance to build a factory we must be able to find local costs from our resources or from the donor country or other friends. Local costs include the running of the tractor or locomotive, buying of spare parts and general maintenance or paying for labour and any local materials needed to complete the building of the factory and some of the maintenance cost. Where we cannot use the currency of the donor country for local cost the only alternative is to use the goods of the donor country. In this case such goods would be offered for sale in our country to raise the necessary funds or the goods themselves must be used directly in the project. In such case we have to watch whether such goods would be competing with our own products and thereby damaging our own industries and affecting employment of our people. There is also the question of prices at which such goods may be offered to us. If they are offered at prices above those for which we could buy similar goods on the world market or elsewhere, it would be a form of exploitation which no country would wish to accept. Moreover, there is the problem when aid is offered but the donor country is unable or unwilling to meet local costs. This means that we may not always be able to accept or utilize such aid unless we can ourselves finance local costs. Finally when aid is in the form of a loan there are repayment problems which must be

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We have also made a significant move from a basically unplanned economy to one in which planning plays a central role. We have also today a growing and sensitive awareness on the part of our people to their needs and requirements in the new and modern Kenya. These transitions are the evidence that we are building a modern economy out of our colonial and African traditional heritage.

Our part as Leaders is to ensure that while these changes take place political democracy and social justice are maintained and that the lot of our people is rapidly improving. We have inherited a state of affairs in which non-Africans in this country are richer than Africans. It is non-Africans who own business in the main streets and industrial areas of our main towns. This characteristic of our economy must be eliminated. Equally important is the fact that we must avoid creating antagonistic classes among the Africans themselves. All these things we realize. We all agree that certain changes must take place; it is only in the interpretation of the time factor involved and the most effective way of solving our short-run problems that there might be differences. Some people, for instance, think that we can undertake these changes overnight and that we can cure the existing poverty and underdevelopment of our people by giving things, such as land and Asian shops, free to the Africans. There are no such short-cuts to eliminating poverty and promoting development. Development takes time. Development must not only be concerned with solutions to short-term problems; it must also look much further ahead to avoid precipitating crises in the future.

Apart from these transitions, it must also be realized that we face a severe shortage of certain key resources needed for our development. These shortages have been outlined in the Sessional Paper and they are in three fields. The first field is that of domestic capital required for the level of investment needed for our development. The second field is that of trained, educated and experienced manpower; and the last field is that of foreign exchange.

The shortage of domestic capital stems from the low rate of domestic saving which, in turn, is due to the low level of per capita incomes. What we want is to have people produce more than just what they need for subsistence. With the surplus they can buy bicycles, improve their farms, and so on. It is also necessary that such surplus should not just be a saving buried in the ground in a hut or under mattresses. It must be made available for investment.

In order to increase the level of our saving for the purpose of investment we have to do two things: ensure that our incomes are growing as fast as possible, and have a tax structure which will ensure that these incomes are not just used for personal consumption. The problem here is this: to grow faster we must save more, but to save more we must grow faster. We thus find ourselves in a vicious circle. This circle must be broken. In the absence of local saving we are forced to look for capital from abroad. This brings us to the role of foreign capital in our development.

The incomes of the people of Kenya are very low. If we tried to depend solely on domestic capital and tax surpluses, our growth rate might not even keep pace with our rapidly increasing population. Consequently, we have to depend on other countries' co-operation and assistance in order to stimulate our own development. Although our aim is to be able to rely on our own resources eventually and to reduce the role of foreign capital and investments, in the initial period, such as this stage in our development, we need this co-operation. To give up use of foreign capital, as some people have suggested, at this stage is almost tantamount to giving up development itself.

However, it is necessary also, Mr. Deputy Speaker, to realize that in order to attract and use foreign capital we must be able to finance most of the local costs of development from our own resources. We must also be able to invest on an increasing scale in joint ventures with private capital and to improve more rapidly our infrastructure. The truth is that the more we can contribute to development, the more aid and foreign capital we can attract. We would also be in a position to bargain for better terms. Therefore, the role of foreign capital in the development of this country must be seen in its proper perspective; that is, as an initial necessity and a temporary measure. The experience, Sir, of a number of European countries after World War II supports this strategy. After the war these countries mounted vigorous campaigns to attract American capital for their reconstruction, and succeeded thereby in accelerating their economic growth. Today, we find that these countries can finance their own development and, in some cases, have introduced measures to curb investments from outside. But it has taken these countries nearly twenty years to reach this stage. It will take us a long time before we can become self-sufficient in the field. This is a hard blow, but which we must face, and which it does not help any of us to try to avoid. It would serve no useful purpose, therefore, to continue debating

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whether or not we need foreign capital. Such debates are sterile and misleading. We must instead decide on policies designed to increase our local savings and strengthen our hands by increasing our ability to meet more of the local costs of development projects. In this regard we should look at the points made about the tax structure and its functions. These functions are defined as follows: firstly, supplying funds for recurrent costs and development; secondly, providing incentives and disincentives to influence the pattern and methods of production and consumption; and lastly, modifying the distribution of income and wealth.

Other sources of Government revenue must also be more intensively used than in the past. Government assets held abroad should be invested in Kenya to the extent that this is legal; statutory income should be more fully utilized; and more devices should be sought for channelling more domestic savings into Government hands.

All these matters are continuously under discussion in the Government with careful consideration given to the timing and administrative problems involved.

Apart from the use of taxation in raising revenue, I should mention briefly the role of taxes in modifying the distribution of income among our citizens. The tax structure must be a major weapon for bringing about a more equitable distribution of income and wealth. We are convinced that every citizen of this country must be guaranteed a certain minimum of living standards, and we are also determined to see that we do not have a society in which there are extremes of wealth and poverty. Therefore, those with high incomes and wealth must accept a greater responsibility to pay the taxes needed for development and provision of social services. To achieve these aims, the following policies will be considered. Firstly, exempting from direct taxes people making extremely low incomes. In particular, the objective should be to begin at once to eliminate from this group the graduated personal tax, substituting property tax in its place. Secondly, retaining the progressive income tax, lowering allowances, as we, indeed, have already begun to do. Some of these allowances were designed during colonial times to serve expatriate civil servants and settlers who looked overseas for security, vacations, and education for their children. They cannot apply today. Thirdly, adopting progressive inheritance taxes. In other words, people should not be born and expect to get something for nothing just because

their parents worked harder than somebody else. Fourthly, making any capital gains tax progressive. Fifthly, exempting basic necessities from sales and excise taxes. Lastly, taxing luxury items heavily, for these are usually consumed by those with high incomes.

It is important, however, to ensure that the tax structure will not be made prohibitive or confiscatory. Reasonable levels of profits, property accumulation and standards of living are necessary if we are to achieve and maintain a high rate of growth of our economy. In other words, while we intend to use the tax measures for the purpose of ensuring equitable revenues we do not intend that it should be a weapon to punish or deter those of our people who have initiative and drive. Such people need to be encouraged and assured that they too will enjoy the fruits of their labour. It is also necessary that we ensure that no section of our people will assume that because we intend to use the tax measure there is room for the lazy and idle. Such people must be made to know that our society is only for those who strive for self-improvement.

Mr. Deputy Speaker, Sir, the second severe shortage is that of local skilled, trained and experienced manpower. In the process of economic growth we need qualified people to teach in our rapidly expanding secondary school system, teachers' colleges and the university; to consolidate, survey and register land at a more rapid rate; to do agricultural research, provide extension services, train farm managers and operate national farms; to manage private industrial and commercial establishments; to plan and implement forestry development; to expand water supply; to man more hospitals and health centres; to engineer and construct roads and irrigation schemes; and to administer the affairs of the Government. As with capital, we can grow rapidly now only by supplementing our meagre supply of domestic, trained manpower with skilled people borrowed from abroad.

Here, Sir, I would like to draw the attention of the House to another important factor to consider in this regard, that is, the very long time it takes to train professional people. This means that shortages of high-level manpower will be with us for several planning periods, and those who are constantly used merely to "uttering words" are constantly used merely to "uttering words" slogans might care to listen to this. The students now enrolled in Form I will be prepared to take now enrolled in a secondary level education only in 1969. We have 10,000 students in Form I this year and not all the 10,000 students in Form I will go through to university degrees. Maybe 50 per cent will get Cambridge School Certificates.

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excessive control is as inefficient as too little control; there is no sense in using an atomic bomb to kill a louse fly when a little spray will do a better job, and no sense in using a bulldozer for the flower garden. Each control must be tailored to its need, and as economic activities range from barber shops and small *shambas* to tobacco, canning and power complexes and large plantations, the range of controls must be great indeed and each must be carefully selected for the task it must perform.

The use of a range of sensitive controls implies as well varying degrees of private participation and initiative, so that each economic activity can be performed in the way best suited to it. This approach also enables us to attract private as well as public capital and privately employed as well as publicly employed management talent. Variety is an important means of attraction whether it is customers, savings, capital or management that is wanted.

The purpose of a range of controls and of planning is to ensure that productive assets are used for the benefit of society. If an individual, a co-operative, a company or the State owns productive assets, society expects these assets to be used and used well. The holding of land for speculative purposes, the charging of exorbitant or discriminatory prices, the abandonment of land and the production or sale of shoddy merchandise are all examples of violations of the principle of mutual social responsibility.

Finally, African socialism must be designed to prevent the emergence of antagonistic classes among Africans and must eliminate through its Africanization programme the sharp economic differentials that now exist among the races in our country. It must be noted, however, that the sharp class divisions that once existed in Europe have no parallel in African society. The *Kanu* Manifesto pointed this out clearly when it stated: "The Marxist theory of class warfare has no relevance to Kenya's situation." The class divisions that Marx deplored in Europe a century ago were supported and strengthened by three factors—

- (i) a concentration of economic power;
- (ii) the treatment of private ownership as an absolute, unrestricted right; and
- (iii) the close relationship between economic power and political influence.

The concept of political equality in Africa rules out in principle the use of economic power as a political base. The vigorous implementation of

traditional political democracy in the modern setting will eliminate, therefore, one of the critical factors promoting class divisions. The policy of African socialism to control by various means how productive resources are used eliminates the second of the factors supporting a class system. Without its two supporting allies, the concentration of economic power cannot be the threat it once was, but we propose to restrict and guard against this factor as well with regard to both foreign and domestic concentrations.

The desirability of attracting private capital from abroad is, I believe, accepted and such incentives as the investment allowance, the guarantees against nationalization without compensation in our Constitution and the recently enacted Investment Protection Act are some evidence of the sincerity of the Government in this regard. But the spirit of mutual social responsibility applies to foreign as well as domestic investors. Kenya will not become a playground for unscrupulous monopolists or those who employ unfair market practices whether in dealing with consumers or dealing with workers. Rather, foreign investors will be expected to accept fully the spirit of mutual social responsibility as already defined in the Sessional Paper.

The concentration of economic power in domestic hands carries with it the possible exercise of undue influence in political affairs and must be watched closely. The problem is a complex one because while it is desirable to ensure that the wealth of the country is distributed as widely as possible, it is also necessary for the development of the country to ensure that the steps taken do not: first, inhibit the rapid accumulation of domestic savings; secondly, prohibit methods of large-scale production when they are necessary for efficiency; or thirdly discourage the inflow of private capital.

The principal long-term technique for controlling the rate of individual accumulation while at the same time stimulating the rate of national accumulation will be through progressive income, inheritance and capital gains taxes, as well as progressive death duties. These will make it progressively more difficult for the wealthy to become more wealthy and to pass on their wealth to members of succeeding generations. At the same time, the collection of taxes will tend to translate private savings into public savings concerning them for development of the nation.

While various methods of ownership will be permitted and indeed encouraged in Kenya, the role of co-operatives in both production and

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marketing will be given every assistance. Co-operatives have direct roots in African traditions but their extensive use in the monetary sector of the economy will involve greater discipline and training. Those who share in the tasks of the co-operative or who use its services share also in its benefits as the co-operative belongs to them.

Mr. Speaker, Sir, this brings me to the end of my review of Part I of the Sessional Paper. The main features, therefore, as we have seen emerge from this discussion of African socialism include: firstly, political democracy, any system which denies that political democracy in the way that we have defined it cannot qualify to be called African socialism; mutual social responsibility, and any system which does not conform to this cannot qualify to be called African socialism; various forms of ownership; and Mr. Speaker, this means that we are not religiously committed to public ownership as the best and the only kind of ownership for our society; a range of controls to ensure that property is used in the mutual interests of society and its members; division of ownership to avoid concentration of economic power; and lastly, progressive taxes to assure an equitable distribution of wealth and income.

I hope we can agree on these definitions before the time we spend arguing about definitions is time stolen from the essential tasks of development. We are a country in urgent need of development and cannot afford to wrangle quarrel and dispute for long periods while the people will in misery for active, practical policies to guide them out of the swamp of despair. Let us join hands on the definitional aspects of African socialism and turn our attention then to the important policies presented in Part II of the Sessional Paper. It is these that will move our country forward and will enable Kenya to take its proper place in the society of nations. It is obvious that before now some people have been misled into believing everything dished out by foreign thinkers. Here we have an answer to all of them.

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

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

Who can deny, Sir, that we are Africans and that from the immemorial times we have had our own traditions? Who can challenge the need for us in Kenya to evolve our own system based on our traditions, experience and the need to eliminate our own local problems? Who can deny the fact that we too, in Kenya, live in the 20th

Century and that we must modernize and compete with other nations? Sir, those who still come to us with borrowed slogans—those who tell us that the road for Kenya is "scientific socialism" or those who believe that we need to be taught socialism from outside Kenya, these people have turned their backs to our traditions and our national heritage.

Those who want to conform to the old rule we are leaving behind because we must move. Everything contained in Part I, Sir, of the Paper is in fact an explanation, clarification an amplification of our Party Manifesto. Those who accept the Manifesto cannot possibly oppose the Paper. Instead the paper should be useful to those who wish to understand the Manifesto more fully.

Mr. Deputy Speaker, let us consider then the application of African socialism to planning and development in Kenya. I want to emphasize at the outset that the desperate need in Kenya today is to get our economy really growing—without, however, ignoring that in our economy there must be political equality, social justice and human dignity. Rapid economic growth, in all countries, is a prerequisite to the extension and intensification of welfare services and to the provision of greater employment opportunities. Therefore, in our policies designed to reorganize and Africanize the economy, provide education and welfare services, control the use of resources, etc., we must keep in mind the overwhelming need for economy to grow.

In applying African socialism in development planning we have first to recognize that we are in a stage of multiple transition. Some of the important transitions already underway are: firstly, the transition from a subsistence economy to a monetary economy. Secondly, the economy is becoming more industrialized, and thus progressively reducing our dependence on agriculture. Thirdly, education and welfare services are being provided more fully. This is in strong contrast to the situation during the colonial era when the development of natural resources was given more emphasis than the development of the African people. Fourthly, our economic and social institutions are being transformed. Schools are being integrated; co-operatives are being organized in nearly every sector of the economy; new Government-sponsored corporations are springing to life and existing organizations are taking on new functions. Another transition is taking on noticeably is that the population is noticeably shifting toward urban areas. This movement, typical of developing countries, places a significant additional burden on planning and co-ordinating development. The sixth transition is that since independence

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economic power was traditional; and the general welfare was identified with the welfare of the few. The Industrial Revolution brought out the worst elements of the situation—hours of work were drawn to dusk; few safety precautions existed; there was no job security or protection against injuries, illness and old age; children started work as early as the age of four; and no established avenues of political appeal existed. The situation was one of government by the few, sharp class distinctions, unfettered property rights, subsistence living standards for the masses, and exploitation of a large and growing proletariat.

Valid as Marx's description was, it bears little similarity to Kenya today. Under colonialism Kenyans did not have political equality or equal opportunities, and their property rights were not always respected. Even so, African traditions have no parallel to the European feudal society, its class distinctions, its unrestricted property rights, and its acceptance of exploitation. The historical setting that inspired Marx has no counterpart in independent Kenya.

As predictive models of what would happen to factory system societies, both Marxian socialism and *laissez-faire* capitalism have been failures. The economic systems in actual use throughout the world today bear little resemblance to either model. The Industrial Revolution quickly led to the social protest of which Marx was a part, and this in turn resulted in sweeping political and economic changes as the systems of the world adapted to the new state of technological change. Political democracy was achieved; private property rights were diluted; the State accepted increasing responsibilities for social services, planning, guidance and control; taxes were made progressive to distribute benefits more widely. Capitalism, therefore, did not evolve into Marxian socialism, as Marx predicted, but was indeed modified in directions that Marx may very well have approved.

The adaptability of these systems has a parallel in those countries that have attempted to follow Marx. To become effective, these systems, too, have had to demonstrate an ability to adapt to changing circumstances. These have adopted wage differentials and management incentives, permitted various forms of ownership and utilized interest rates or the equivalent in their planning procedures. All practical economic systems, regardless of their origin, have demonstrated adaptability. The problems of today are not the problems of a century ago. African socialism is designed to be a working system in a modern setting, fully

prepared to adapt itself to changing circumstances and new problems.

Finally, Mr. Speaker, the system we adopt in Kenya must not depend for its success on a satellite relationship with any country or group of countries. On the other hand, economic non-alignment does not mean economic isolationism. On the contrary, it means a willingness and a desire—

- (i) to borrow technological knowledge and proved economic methods from any country, without commitment;
- (ii) to seek and accept technical and financial assistance from any source, without strings; and
- (iii) to participate fully in world trade, without political domination.

The ability of Africa to borrow advanced technological knowledge, modern methods of industrial organization and economic techniques of control and guidance from more advanced countries provides the opportunity for us to leap over many of the hurdles that have retarded development in these modern societies in the past. It means also that African socialism as a system can profit from the mistakes made by others. Unlike many countries that have eliminated many successful economic mechanisms on narrow ideological grounds, Kenya is free to pick and choose those methods that have been proved in practice and are adaptable to Kenya conditions regardless of the ideologies that others may attach to them. Kenya, therefore, is free to choose among other things—

- (i) a wages and incomes policy that recognizes the need for differential incentives as well as an equitable distribution of incomes;
- (ii) techniques of production that combine efficiencies of scale with diffused ownership;
- (iii) various forms of ownership—State, co-operative, corporate and individual—but an efficient for different sectors or that compete with each other in the same sector—provided only that the form promotes the objectives of the Government; and
- (iv) techniques of control that vary with the needs of society and its members.

These then, are the conditions our system must satisfy, to draw on the African traditions of political equality and mutual social responsibility, to be adaptable and flexible in the face of changing circumstances, and to be politically and economically non-aligned and yet free to borrow

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more advanced in these material resources than ourselves. African socialism, as we view it in Kenya, will meet these conditions and in addition will ensure that three fundamental characteristics are achieved in practice—

- (i) that resources are used, and used properly, for the benefit of society as a whole; this is what we call planning.
- (ii) that a variety of sensitive controls are utilized each adapted to the need it must serve. This is control and implementation; and
- (iii) that antagonistic classes do not emerge in Kenya as development progresses. This is the concept of equitable distribution of wealth and income and the separation of economic and political power.

It is a fundamental characteristic of African socialism that society has a duty to plan, guide and control the uses of productive resources. This principle, too, has its basis in the Kauti Manifesto, where it is stated that "we believe in a wide measure of Governmental control of the economy in the national interest (and) there are many ways of participation without acquiring public ownership." That, Sir, is what the Kauti Manifesto says. The Manifesto also provides that while encouraging private investment, the Government will ensure that "the undertaking is being directed according to our national policy and needs . . . while we intend following a liberal policy with regard to foreign capital, investments must be made in accordance with Kenya's interests." The Manifesto continues "Special consideration will be given to local investors, but we shall have no time for those who make large profits and then fail to invest them in the country". And with respect to land, "the Kauti Government will not tolerate holding of large underdeveloped tracts of land by anyone".

This is in keeping with African socialism or traditions in which the concept of ownership and property rights was never the inalienable and absolute bundle of rights that it once was in Europe. The single unifying African principle has been that no matter who owned or managed land or other productive resources, they were expected to be used, and used for the general welfare. No individual family or clan could treat productive assets as private property unless the uses to which those assets were put were regarded as consonant with the general welfare. Unlike the traditional European approach to ownership, no person could treat a piece of land as his own

with the freedom to use it or not to use it as he chose. But it is worth noting that over the past century, the European tradition of absolute ownership has gradually been eroded so that today the right of the State to guide, plan, and even order the uses to which property will be put is universally recognized and unquestioned.

These African traditions cannot be carried over indiscriminately to a modern, monetary economy. The need to develop and invest requires credit and a credit economy rests heavily on a system of land titles and their registration. The ownership of land must, therefore, be made more definite and explicit if land consolidation and development are to be fully successful. Many forms of ownership will be permitted because each may serve particularly well different purposes. This approach is in keeping with the Constitution and the Kauti Manifesto. The Constitution provides that "no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired," except in strictly defined cases where such action would be necessary "to promote the public benefit", and in that event "promote payment of full compensation" is guaranteed. The Manifesto states, "Citizens will have the right to follow the profession and trade of their choosing and to own property according to the law." It goes on, "We shall welcome both governmental and private investment in Kenya . . . (and) shall encourage investors to participate fully in projects with our own Government." Finally, the Manifesto states "Every farmer must be sure of his land rights." Thus the Manifesto and the Constitution are clear on these matters. But there is no question of society giving up its rights to determine how resources are to be used.

Under African socialism the duty of the State to plan must be accompanied by the power to guide and control resource use. To imagine, however, that the use of resources can only be controlled through their ownership or that the appropriate ownership will guarantee the proper use of productive assets are errors of great magnitude. Ownership can be abused whether in private or public hands and ways must be found to control resource use in either case. African socialism must rely on planning to determine the appropriate uses of productive resources and on a range of controls to ensure that plans are carried out.

The controls available to us range from the use of taxes, interest rates, duty drawbacks and tariffs as a means of influencing and guiding activities in the private sector through price, wage, rent and output controls; to outright Government ownership and operation. We feel, however, that

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of becoming permanent and, more to the point, this suspension seldom has achieved the announced objectives. During our struggle for *Uhuru*, we always asserted that only through freedom and human rights could the people cooperate fully with the Government. If I may quote from another African statesman, who has written very much on this subject, Leopold Senghor, he has noted these dangers when he wrote in his *African Roll to Socialism*, "What good is our independence if it is only to imitate European totalitarianism, to replace external colonialism by domestic colonialism?"

It must be clearly understood and recognized that our approach to political democracy and political equality differs considerably from that taken in many countries. In some Western democracies on the one hand, literacy tests are imposed before a citizen can vote and, in many cases, these are administered arbitrarily to prevent many mature citizens from participating in political affairs. It is also noted that in some instances only those who own property are permitted to vote. Such discrimination has been rejected in Kenya and will not be permitted.

Sir, in eastern communist countries on the other hand, stern tests are applied to party membership so that, out of large populations, only a few people qualify for membership in the party. Rule by a party of the *élite* is regarded there as a temporary phenomenon that will eventually give way to broader political participation, but the facts are that this "temporary" situation has been going on for generations. Such a sacrifice of full political rights would be in conflict with our Party Manifesto. Members may be interested, at this point, to note the contents of the recent report of the Presidential Commission on the Establishment of a Democratic One Party State in Tanzania. I quote—"The Commission stated—"We do not see T.A.N.U. as an *élite* but as a mass party through which any citizen", and I quote "any citizen can participate in the process of Government."

Nyerere, himself, the President of the Republic, has supported this view when he said, "No party which limits its membership to a clique can ever free itself from the fear of overthrow by those it has excluded."

Thus, in our system of socialism in Kenya every citizen is guaranteed full and equal political rights. Wealth must not be permitted to confer special political concessions on anyone. The distinction, therefore, that has frequently been granted, openly or otherwise, to

economic power groups in capitalist societies must not be permitted to gain a foothold in Kenya. Similarly, the fundamental force of religion, which has been defined in many communist countries will be a definite feature of our society. This is consistent with our society in that traditional religion provided a strict moral code. But political rights, Sir, will not be contingent on religious beliefs.

Mr. Speaker, Sir, may I now turn to the subject of mutual social responsibility. Mutual social responsibility is the extension of the African *Ujamaa* spirit to the nation as a whole. The State, in this case, assumes obligations to ensure equal opportunities to all its citizens to eliminate exploitation and discrimination and to provide needed social services such as education, medical care and social security. But the obligations of the State imply reciprocal obligations for the members of society. All citizens must contribute to the degree they are able to the rapid development of the economy and society. As the Kani Manifesto clearly states "We aim to build a country where men and women are motivated by a sense of service and not by a greedy desire for personal gain." The Manifesto says further that the Kani Government and the party are "confident that the dynamic spirit of hard work and self-reliance which will motivate the Government will inspire the people throughout the land to great and still greater efforts for the betterment of their own communities." Further, Sir, the Manifesto goes on to say, "every individual has a duty to play his part in building national unity, (and this duty) is not limited to the political sphere (everyone) must endeavour to support social advance." The Kani Manifesto also recognizes the part of Government as far as mutual social responsibility is concerned. It says, for instance, that "The traditional respect and care for the aged among our people must continue," and in the field of education "The first aim of (seven years free education) will be to produce good citizens inspired with a desire to serve their fellow men." The President himself, in his personal message introducing the Kani Manifesto stated, "The future prosperity upon which our plans, hopes, our aspirations, depend, need (everyone's) effort."

These quotations from the Kani Manifesto indicate quite clearly what we mean by mutual social responsibility. We are not alone in recognizing this as a key requirement in development. Ghana Nkrumah, for instance, has said that "Ghana must secure for every citizen, at the earliest possible date, an adequate level of education and nutrition and a satisfactory standard of education, shelter, housing and leisure." This is the duty of the Government. On the part of the

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people Nkrumah writes that Ghana "shall expect from each citizen a maximum contribution to the national economy according to his ability and training. It is only in proportion to the contribution which (everyone) makes to the work of the nation that we can expect to share in material gains which... development of the economy will make possible."

Mr. Speaker, Sir, with respect to the responsibility of the individual and family I should perhaps here explain that there is no society or country where social services are completely free. So far as the nation, and I hope, Sir, that hon. Members will pay great attention to this point, because too often we have been asked when this free education will come in. So far as the nation as a whole is concerned, every service must be fully paid for. Thus, services can be given free to some members of society only if other members pay for it. If school fees are abolished, teachers' salaries must be paid. If school fees are reduced, therefore, tax rates must be raised, and higher taxes must be paid. If medical services are to be free then the salaries of doctors and nurses must be paid out of increased taxation. If roads are to be used free of charge, then taxes must be raised to cover maintenance and loan repayments. If land is to be given free to some people, then others must pay for it through higher taxation.

The total amount of goods and services available to the people of Kenya depends on the amount the people of Kenya produce through hard work and efficient use of resources. If the people of Kenya do not grow wheat, maize, cotton, pineapples, coffee and tea, there can be no maize to eat, no wheat for flour, no coffee and tea to sell, and the Government can collect no taxes to provide roads, education and medical services. If everyone waits around for things to be handed out free, there will be nothing to give because nothing will be produced.

Another related fallacy must also be destroyed. Making things free does not mean that everyone can have all he wants. If school fees were abolished, we still could not teach more children than we have teachers for. And as teachers cost money we might be able to employ fewer teachers than before so that fewer children could go to school.

It is the policy of the Government to move progressively toward the elimination of school and social fees. But to shout about these things without considering their full implications is merely to play politics and to try to exploit the

ignorance of the people. Sometimes some people speak on these—

An hon. Member (Inaudible.)

The Minister for Economic Planning and Development (Mr. Mboya): I was quite sure and that is why I stood as a Kani Member. I am not in Kani as an opponent.

Sometimes some people speak on these issues as though Government was opposed to them while others, knowing it cannot be done overnight are eager for cheap publicity by posing as champions of the poor. Let us all today move away from any propaganda stands and be truthful to our people and especially to our country. As we increase our revenues from taxes so shall we move quickly to creating the foundations for a welfare state which we all desire.

In addition to drawing on African traditions, Mr. Speaker, Sir, African socialism in Kenya must be adaptable to rapidly changing conditions and circumstances without compromising the basic principles of political equality, social justice and human dignity. Some of our presently pressing problems, such as Africanization, unemployment, idleness and untutilized land, will be solved or considerably alleviated with persistent efforts in the not too distant future, but others will rise to take their place. The system we adopt must be adaptable to these new problems and circumstances. Indeed, it is the need to be adaptable that distinguishes most practical and viable economic systems from the rigid, doctrinaire, theoretical systems that make good trading but bad practice. Mr. Speaker, Sir, Marxian socialism and *laissez-faire* capitalism are both theoretical economic organizations. Both settled on ownership of property as the critical factor in economic organization and advocated rigid systems based in the State ownership in the one case, and in the other private ownership. But ownership is not absolute, indivisible right, subject only to complete control or none. Practical systems have demonstrated that the resources of society are best guided into proper uses by a range of sensitive controls each specifically designed for the task to be performed.

Marx' criticism of the society of his time and place was a valid one. Political equality and democracy did not exist in Europe and Great Britain before the middle of the nineteenth century when Marx was writing. The enclosure movement and the industrial revolution had created a landless proletariat that was ruthlessly exploited by those with economic power who had much the same absolute rights as those of the feudal lords. Sharp class distinctions had become commonplace for centuries; the close association of political and

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Government to clarify the situation. Many Members of Parliament have rightly demanded a detailed statement of African socialism and have even tabled Motions on this Matter before the House. The Planning and Development Advisory Council has also urged the Government to make its policies on African socialism explicit. The Government has responded to the evident need quickly, as it should and must in a democratic system, and has laboured hard to produce the Paper which now requires the united support of this House to demonstrate to the world and our own people that non-alignment is a positive policy in economic as well as political affairs.

But, Mr. Speaker, before I say anything on the Paper I want to say a few words about the actual drafting of this Paper. I am doing this, Sir, so as to put an end to malicious gossip and whispers by some people who seek to undermine the effect of the Paper by suggesting it is not the product of the Kenya Cabinet. As the House well knows, the responsibility for drafting this Paper lies with my Ministry. Having drafted the Paper, on the instructions of the President and the Cabinet, I submitted it to the Cabinet Development Committee for their consideration. My Assistant Minister and myself spent many, many hours going over several drafts, sentence by sentence, before a version was approved for discussion in the Development Committee of the Cabinet. The Development Committee, with all the Ministers—and I repeat all the Ministers—taking part, devoted lengthy sessions to the Paper, discussing every issue in detail. The version that emerged from this searching scrutiny was then presented to the full Cabinet when it was again thoroughly discussed and after minor modifications unanimously—and I repeat unanimously—agreed in the form in which it is now presented to Parliament. I can assure you that except for the Constitution itself, no paper has been so thoroughly analysed at ministerial level as this one. I have made these opening remarks, Sir, to assure this House of the fact that this Paper is the result of our joint efforts in the Government and one which cannot be blamed on the civil servants or our advisers. We accept full responsibility for it.

It was suggested recently in one of our Sunday newspapers that such a paper as this should be constructed as a consensus of the views of provincial, district and local political and party leaders and Members of Parliament, and that we might even sponsor an essay contest to obtain ideas on its substance. Government by essay is

in many ways a novel and intriguing idea, but I can assure you that it is not an experiment we can afford in Kenya today. This kind of proposal is based on four false assumptions: firstly, that the Government is out of touch with the people and their representatives; secondly, that the Government has no responsibility to lead but only to follow; thirdly, that we can afford the time involved in soliciting and collecting suggestions from every conceivable source; and, lastly, that socialism is basically a new idea that has not been thoroughly explored before.

These assumptions are all false. Cabinet Ministers are themselves representatives of the people and they and our President have already earned the reputation of spending more time in personal contact with the people than the Ministers of any other Government in the world today. Kenya's Ministers have an intimate knowledge of the views and needs of the people and, Sir, if that is not enough, we also have our vigilant Members of Parliament who do not hesitate to tell us when we are wrong.

— A Government that fails to lead, fails entirely. The Government is in possession of facts, information and knowledge and has access to expert advice which is not available to people in general. Leading means nothing more than bringing this body of knowledge to bear on the problems of the country in such a way as to make rapid progress toward the achievement of the aspirations of the people. This Government, Sir, will not abdicate its responsibility to lead.

I have already pointed out how costly to development continued confusion over African socialism could be. To allow this confusion to continue, to grow and perhaps to sow the seeds of serious discontent, while we explore, investigate and co-ordinate the many views on African socialism which might be expressed throughout the country would be to substitute a haphazard, academic approach for the hard, practical one that is so necessary.

Mr. Speaker, Sir, such an investigation is in fact, unnecessary. The writings on socialism are extensive and even those on African socialism would run to many, many volumes. Political leaders throughout Africa such as Nyerere, Senghor, Nkrumah and our own President have expressed themselves often and at great length on the subject. Finally, Sir, and which is most important in this House and in this country, the Kanu Manifesto and our own Constitution already contain the principles on which any paper on African socialism in Kenya must be based. We have followed those principles religiously in preparing the more detailed Paper

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now before this House: I should like to emphasize here that the mandate given to this Government based on the Kanu Manifesto, does not end until 1968 when our people will judge us by our record. Meantime, the Kanu Manifesto constitutes the guide for all our decisions and actions, and I hope that in the course of this speech I will show how the Manifesto is related to this Paper or vice versa.

Socialism has taken several forms in the writings of those political and economic philosophers who have followed Marx. Even wider variations are found when practical socialist systems are examined. This is not surprising because a practical system must modify the universal elements of socialism to fit the needs, conditions and attitudes peculiar to the country and the people concerned.

The elements of socialism that serve to characterize the universal system are well known and this includes: First, ownership and operation by the State of the fundamental means of production. Secondly, control of those means of production left in private hands. Thirdly, planning the use of resources to ensure that social needs are fully recognized in the allocation of resources and, in particular, that the volume of saving and investment is large enough to promote rapid growth and rising standards of living for all. Fourthly, control of the distribution of income to avoid excessive concentrations in the hands of a few and to share the benefits of society equitably among all its members. Fifthly, encouragement of the co-operative form of business organization to establish an identity between those involved in production and distribution and those reaping the fruits of that labour. And, lastly, Sir, the guarantee of equal opportunities to all without discrimination or exploitation.

But, Mr. Speaker, as will be seen, these elements of an economic system can be regarded as universal because they are stated in such general terms that they permit interpretation and modification to suit the needs of particular countries and peoples. Each country has its own history, its own culture, its own traditions and attitudes, its own inheritance of economic institutions and resources, and its own problems. To impose on a people a rigid system that takes no account of their needs, desires, aspirations and customs, is to court disaster and failure. The Government wishes, understandably I hope, to avoid these consequences and therefore has laboured long and hard on this Paper to ensure that full account has been taken of our legacies,

attitudes and problems in formulating those policies that will guide our future development. It has been our concern—and I hope, Sir, Members will particularly note this point—to define a system and to identify policies that will meet our needs, solve our problems and further our ambitions, and the operative word is "our" not "their". We reject, therefore, Mr. Speaker, those who come to us and say there is no such thing as "African socialism". Such people that say this are prisoners of foreign propaganda. Such people, Sir, betray our traditions and betray our very society. They forget that even in the countries about which they speak so much there are many brands of socialism—there are Leninist, Marxist, Stalinist, Trotskyite, Maoist, Christian socialist, Democratic socialist, and an endless list of "isms".

There is no reason therefore, Sir, why there should be no African socialist. Our fundamental objectives will not, I am sure, require much argument. These are listed in the Paper. They are points we have not only emphasized many times in the course of our struggle against colonialism but which we have pledged to the country and in the Kanu Manifesto. They consist of hopes, the aspirations of the humblest man in our community.

To make progress toward these fundamental objectives, we have decided to employ the system of African socialism. The objectives, Sir, are defined very fully in the Paper itself. In applying African socialism in Kenya, we must draw particularly on those African roots that are especially among all tribes in Kenya. These are: political democracy, and mutual social responsibility.

In the traditional African society in Kenya, only one requirement was imposed on an individual before he could participate fully and equally in political affairs. He had to be a mature, responsible member of that society and nothing else. Indeed, the Constitution already guarantees that and I quote, "every person in Kenya is entitled to the fundamental rights and freedoms of the individual whatever his race, tribe, place of origin or residence or other local connections, and the political opinion, colour, creed or sex"; and I quote Kanu Manifesto also states that, and I quote again, "The Kanu Government will steadfastly uphold the rule of law and guarantee the position of every citizen according to the Bill of Rights". Any mature citizen has the right to vote in elections, to join the party and to participate fully in political matters. It is sometimes argued that faster progress could be made if political rights were suspended temporarily. History demonstrates that suspension of this kind has a habit

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of order, Mr. Speaker, this is something which may be irritating people quite a bit in this House. The Minister for Co-operatives and Marketing recited a litany of names of co-operative societies from a constituency of a very senior Member of this House. Would it not be a good thing if you could advise first, in this House, that we must make more use of the officers of Ministers instead of wasting the time of this House?

The Speaker (Mr. Slade): If hon. Members have read a small booklet called *Notes on Membership*, they will find that advice there, but it is given as advice, and not as a ruling on a point of order.

Question No. 2037

TRAINING OF OFFICIALS FOR CO-OPERATIVE SOCIETIES

Mr. Muliro, on behalf of Mr. Ngala, asked the Minister for Co-operatives and Marketing if he would state his plans for the training of officials of co-operative societies.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. Training facilities for senior officials of co-operative societies exist in the Kenya Institute of Administration. Opportunities are also provided for some of these officials to proceed overseas for training in co-operative management. For example, my Ministry has sent twenty-four co-operative officials for studies to the U.S.A., Israel and Denmark. In addition, co-operative courses of a lower level are held at farmers' training centres specifically for training of committee members. These courses are normally supplemented by local courses of a couple of days' duration, held by my co-operative officers. As a part of my programme of reorganization, I plan to make available to every district co-operative officer whose duty will be the education of members of the co-operative movement and co-operative procedures and management techniques.

Mr. Oduya: Mr. Speaker, Sir, I have two questions.

The Speaker (Mr. Slade): One at a time. You might get to the other one.

Mr. Oduya: Could the Minister give us the breakdown of the twenty-four officers who he has already sent overseas?

Mr. Ngei: Mr. Speaker, Sir, I will be very pleased to give this. I have in Israel Benson Ongosi from Kisumu District; Daniel Ngaga Johana from

Meru District, Jason Kagenyo from Nyeri District, Eric arap Soi from Kericho District, Joseph Lumbasi from Bungoma District, Samuel Inoa from Nyandarua District, Charles Mwangi from Fort Hall District, and John Oduor from South Nyanza District.

I am prepared to go on to the other places. In the U.S.A. I have Nteoro Mbojori from Meru District, John Kingoo Mbuji from Machakos District, Ben Mbugua Mune from Kiambu District, Daniel Mulandi Mutavi from Kitui District, George Malerna from Kakamega District, Silvester Owang from Central Nyanza District, Samweli Ouma from Busia District, Harrison Walome Jod from Nyeri District, Barack Okubi Nyang'ah from South Nyanza District, Stephen Mlami from Kisumu District, Peter Muia from Machakos District, and Julius Kiptoo arap Kapitch from Kericho District.

In Denmark I have the following: Peter Nduthu from Nyeri District, William Sai Otieno from Uasin Gishu District, Robert Mukwana from Uasin Gishu District, and B. Kathanga from Kirinyaga District.

Mr. Komora: Arising from the long reply by the Minister, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Order, you cannot blame the Minister for a long reply when he has been asked for a list of names.

Mr. Komora: Mr. Speaker, is the Minister aware that amongst the names he has mentioned, there has not been a name from the Coast Province, and if he is aware is he making any effort to post or to send any Coast boys to these countries for training?

Mr. Ngei: Mr. Speaker, I thought the hon. Member and other hon. Members from the Coast had told them of my intention of sending some students from the Coast and I asked them if they could submit names from their constituency for my consideration.

Mr. Komora: On a point of order, Mr. Speaker, is the Minister in order to tell the House some false statements, whereby he cannot himself substantiate in any day or time that he has approached me for a student's name for his consideration?

The Speaker (Mr. Slade): Again, this is a very familiar point of order. When an hon. Member thinks that he has had an untrue answer from the Minister, it is up to him to prove either in this House or outside that it is untrue, and be can then require the Minister to come and acknowledge the fact to this House.

Mr. Oduya: Mr. Speaker, Sir, what I want from the Minister now is why it is that the Minister has not found it necessary to get from Teso some of the officers to be sent abroad because in this central area he knows that there are very effective people?

Mr. Ngei: Mr. Speaker, this is one of the disadvantages of staying in Nairobi. The hon. Member knows very well when I was doing my one-month tour, I made it my duty to go to his constituency and offered scholarships during his absence in Nairobi.

Mr. Oduya: On a point of order, Mr. Speaker, is it in order for a Minister, when I am asking a specific question, to try and make up a story in his House, to say that I am not going to my constituency and can be produce in his record that I stayed in Nairobi and do not do my work in my constituency?

The Speaker (Mr. Slade): Order, order. Hon. Members must be prepared sometimes to take what they get in a reply.

Mr. Shikuku: On a point of order, Mr. Speaker, I do not intend to challenge your ruling, Sir,—

The Speaker (Mr. Slade): No, I hope not.

Mr. Shikuku:—but is it in order for a Minister, in replying to any question to imply or to impute that an hon. Member is not going to his constituency? Is that not, in itself, provocative and as such should not be allowed?

The Speaker (Mr. Slade): No, not if it is true. The Minister said that he was in the hon. Member's constituency, in his absence, and offered the opportunity for scholarships there. If that is true, it is true, and it means that the hon. Member at that time was way somewhere else.

Mr. Oduya: On a point of order, Mr. Speaker, this is very serious—

The Speaker (Mr. Slade): I am sorry, no, we are going on to the next order.

Mr. Oduya: But I cannot allow this provocation—

The Speaker (Mr. Slade): Order.

Mr. Oduya: When you come—

The Speaker (Mr. Slade): Mr. Oduya. Order.

Mr. Oduya: My constituents—

The Speaker (Mr. Slade): Mr. Oduya, if you cannot exercise better control, I shall have to ask you to leave.

Mr. Oduya: But I cannot when a Member is—

The Speaker (Mr. Slade): That is your last warning.

MOTION

**SESSIONAL PAPER NO. 10 OF 1963/65:
AFRICAN SOCIALISM**

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move:—

THAT this House, having studied carefully the Sessional Paper No. 10 of 1963/65 entitled "African Socialism and its Application to Planning in Kenya" notes and adopts the said paper as the basis and guide for future development planning and policy in Kenya.

The Assistant Minister for Finance (Mr. Okello-Okongo): On a point of order, Mr. Speaker, in view of the fact that this is being moved in the form of a Motion, would it be in order during the course of the debate to make any amendments on the Sessional Paper, or how do Members go about it?

The Speaker (Mr. Slade): Of course, any Motion, except a Motion for a Bill for amendment of the Constitution, can be amended at any time by the will of the House in the course of a debate. When it is a Motion proposing approval or adoption of a paper, then the Motion can still be amended by adding words to the effect that: "with the exception of such-and-such a paragraph" or "with such-and-such an amendment of the said paper".

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sessional Paper No. 10 deals with a subject of vital significance to the development of Kenya: namely, "African Socialism and its Application to Planning in Kenya". This issue has been shrouded in confusion, embellished with slogans and pat phrases, and nearly drowned in a sea of contradictory statements and allegations. There are those in the East and the West who have tried to tell us what we mean by African socialism, and there are those at home who twist the phrase to their own petty uses. This state of confusion could be costly to the development of our country. It could slow down the drive towards unity, hamper the inflow of capital and discourage our people from devoting their full share of hard work to the cause of economic growth.

This bickering, unrest and uncertainty have rightly led many of our citizens to request, the

Dr. Kiango: Mr. Speaker, Sir, that brings in a different issue, the geographic situation, but I would consider the point raised.

Mr. Jamali: Mr. Speaker, Sir, could the Minister give an indication to the House how soon it is before he proposes to bring the Bill to the House?

Dr. Kiango: Mr. Speaker, Sir, this Government demands very large number of Bills to be passed and our drafting committee are finding it very difficult, therefore it is difficult for me to say at this juncture when the drafting committee will be asked to come to this Bill, but it will be given as much attention as possible.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's original reply and bearing in mind that some non-African registered citizens, register in order to carry on these businesses, would the Minister consider taking these non-African citizens through some form of pipe line to know how sincere they are to Kenya and how loyal?

Dr. Kiango: Mr. Speaker, Sir, despite the very warm welcome given to this question by the House, we do not believe in first and second class citizens in this country.

Question No. 2016

SETTLEMENT OF LANDLESS MERU IN NYAMBENE

Mr. Ithral asked the Minister for Lands and Settlement whether he had any scheme for settling the landless Ameru in Nyambene North.

The Assistant Minister for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. My Ministry does not establish any settlement schemes for any particular tribe, district, division, constituency or clan; nor does it participate in the selection of settlers to settlement schemes. If the hon. Member for Nyambene North considers that there is a case for settling the landless people in his constituency, he should take the matter up with the chairman of the Eastern Provincial Advisory Council.

I believe, however, that the hon. Member is aware that there is a settlement scheme at Timau and already a number of people from Nyambene North who sent in applications, have been allocated with plots on the scheme.

Mr. Ithral: Mr. Speaker, Sir, referring to the answer given by the Assistant Minister, would he give me a breakdown for every division of Meru and of Timau?

Mr. Gachago: Mr. Speaker, Sir, I think it is unfair to ask me to give a breakdown. I have already stated that applications for settlement are not considered on the basis of divisions or constituencies.

Mr. Ngala-Aboki: Mr. Speaker, Sir, in view of the fact that a Member has a right to ask how much settlement is going on in his division, is the Assistant Minister in order in trying to evade this answer by saying that land is not provided on a division basis? The Member concerned knows the truth of his evasion.

Mr. Gachago: Mr. Speaker, Sir, I think it is unfair for anyone to suggest that there is an evasion of the question. What I have said is true. I stated a true fact, and this is what is happening. Settlement schemes are not organized on the basis of tribes, and I am sure the House will agree with me that there would be very serious confusion if tribal, constituency or any other small group considerations were to be given.

Mr. Choge: Mr. Speaker, Sir, on a point of order, if a Member feels that the people in his constituency or division are being forgotten in a settlement scheme and if he comes here to ask a question and then the Minister does not answer it, to which place should the Member go for his answer?

The Speaker (Mr. Slade): I cannot go on and on answering this point of order. It has been raised so many times. If hon. Members are dissatisfied with the answer they get in this House, they have various remedies. They can record their dissatisfaction immediately by saying they wish to raise this matter on an adjournment. Then, if they are lucky enough to get it on an adjournment, they pursue it there. Or they can go and discuss it with the Minister afterwards. Or they can move a substantive Motion to record their dissatisfaction. I hope this is the last time I am going to be asked this point of order.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that in the past similar questions have been asked by Members from other areas and the Government has been willing to give the breakdown of people settled in new settlement schemes, would the Assistant Minister consider giving the hon. Member who has asked this question, a complete reply so that the hon. Member will be able to go back to his constituency and inform his constituency what the Government is doing for them?

Mr. Gachago: Mr. Speaker, Sir, the Government is not engaged in a campaign to campaign for Members, and the Government considers

(Mr. Gachago) applications for settlement on the basis of province, and it is the chairman of the Provincial Councils, and his committee who allocate plots, in accordance with the needs of their areas. Mr. Speaker, Sir, if the hon. Member wishes to know how many people from his area have been settled, he can easily go and find this out from the chairman of the Eastern Provincial Advisory Council.

Mr. Anyieni: Mr. Speaker, Sir, on a point of order, you have ruled in this House before that when a question is asked of a Ministry the Minister or Assistant Minister, should reply to it instead of referring the question to some outside authority for the information?

The Speaker (Mr. Slade): I have answered that point too, a good many times. It is quite true that Ministers are expected to accept some responsibility to answer in this House for everything that goes on in the country, even if the primary responsibility rests elsewhere; but if a Minister, not as a matter of order, rule that a Minister may not, when required to give certain details, refer his questioner to the authority who has to control those details, the House may not like it, but it is not out of order.

Mr. Lorenza: On a point of order, Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the Eastern Region Provincial Advisory Council is now powerless and that the matter should be handled by the Central Government?

Mr. Gachago: Mr. Speaker, Sir, I am not aware, because as far as the Department of Settlement is concerned, the chairman of the advisory council and his committee are still in full power in respect of selection of settlers.

Question No. 2036

REGISTERED CO-OPERATIVE SOCIETIES IN KILIFI DISTRICT

Mr. Muliro, on behalf of Mr. Ngala, asked the Minister for Co-operatives and Marketing if he would—

- (a) give the names of registered co-operative societies in Kilifi District;
- (b) state what plans he had to procure at least one officer for each administrative division in Kilifi to assist the co-operatives to become more effective.

The Minister for Co-operatives and Marketing (Mr. Ngeli): Mr. Speaker, Sir, I beg to reply. The names of registered co-operatives, say in Kilifi

District, are as follows: Shariani Farmers' Co-operative Society Ltd., Rabai Farmers' Co-operative Society Ltd., Chonyi Farmers' Co-operative Society Ltd., Malindi Farmers' Co-operative Society Ltd., Ganda Farmers' Co-operative Society Ltd., Gedi Farmers' Co-operative Society Ltd., Kaloleni, Tegorora and Tibana Farmers' Co-operative Society Ltd.

The Rabai Farmers' Co-operative Society Ltd. is a subject of an inquiry which may lead to its liquidation.

In my reorganization plan, I am making arrangements to have an officer for each district, which includes Kilifi. It is my wish to post a junior officer to every district having eight or more co-operative societies.

Mr. Shikuku: Arising from the reply by the Minister to the effect that he intends to send co-operative officers to every district, is he aware that the co-operative work is being hampered by the fact that there are so few people to guide the people in the areas, and when is he intending to do this?

Mr. Ngeli: Mr. Speaker, Sir, I said in this House about a month ago that I intended bringing into being or into full activity: official co-operative officers who will be in charge of legislation and grants and so on. At the moment, I am giving extensive facilities both in the Kenya Institute of Administration, and overseas, to train more staff for co-operative work.

Mr. Shikuku: Mr. Speaker, Sir, could the Minister be kind enough to tell the House how long this will take so that we could ask our people to prepare?

Mr. Ngeli: Mr. Speaker, the hon. Member is very aware that I am expecting some officers to arrive very shortly, and about a fortnight ago some officers came back from overseas, having taken adequate courses in regard to co-operative work. At the moment, I have several students who are studying in Israel, the U.S.A. and Denmark on a co-operative basis, and in about a week's time more than forty officers will be completing courses in the Kenya Institute of Administration. If the hon. Member remarks how I select them, he should not bring to me the question of time or the question of tribalism. I am prepared to give him the names of various people, for example, the students who are in Israel, who include—

The Speaker (Mr. Slade): Mr. Ngeli, I think you have been brought on to the next question.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): On a point

Dr. Kiiano: Mr. Speaker, Sir, that brings in a different issue, the geographic situation, but I would consider the point raised.

Mr. Jamal: Mr. Speaker, Sir, could the Minister give an indication to the House how soon it is before he proposes to bring the Bill to the House?

Dr. Kiiano: Mr. Speaker, Sir, this Government demands very large number of Bills to be passed and our drafting committee are finding it very difficult, therefore it is difficult for me to say at this juncture when the drafting committee will be able to come to this Bill, but it will be given as much attention as possible.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's original reply and bearing in mind that some non-African registered citizens, register in order to carry on these businesses, would the Minister consider taking these non-African citizens through some form of pipe line to know how sincere they are to Kenya and how loyal?

Dr. Kiiano: Mr. Speaker, Sir, despite the very warm welcome given to this question by the House, we do not believe in first and second class citizens in this country.

Question No. 216

SETTLEMENT OF LANDLESS MERU IN NYAMBENE

Mr. Ithral: I asked the Minister for Lands and Settlement whether he had any scheme for settling the landless Ameru in Nyambene North.

The Assistant Minister for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. My Ministry does not establish any settlement schemes for any particular tribe, district, division, constituency or clan; nor does it participate in the selection of settlers to settlement schemes. If the hon. Member for Nyambene North considers that there is a case for settling the landless people in his constituency, he should take the matter up with the chairman of the Eastern Provincial Advisory Council.

I believe, however, that the hon. Member is aware that there is a settlement scheme at Timau and already a number of people from Nyambene North who sent in applications have been allocated with plots on the scheme.

Mr. Ithral: Mr. Speaker, Sir, referring to the answer given by the Assistant Minister, would he give me a breakdown for every division of Meru and of Timau?

Mr. Gachago: Mr. Speaker, Sir, I think it is unfair to ask me to give a breakdown. I have already stated that applications for settlement are not considered on the basis of divisions or constituencies.

Mr. Ngala-Aboki: Mr. Speaker, Sir, in view of the fact that a Member has a right to ask how much settlement is going on in his division, is the Assistant Minister in order in trying to evade this answer by saying that land is not provided on a division basis? The Member concerned knows the truth of his evasion.

Mr. Gachago: Mr. Speaker, Sir, I think it is unfair for anyone to suggest that there is an evasion of the question. What I have said is true. I stated a true fact, and this is what is happening. Settlement schemes are not organized on the basis of tribes, and I am sure the House will agree with me that there would be very serious confusion if tribal, constituency or any other small group considerations were to be given.

Mr. Choge: Mr. Speaker, Sir, on a point of order, if a Member feels that the people in his constituency or division are being forgotten in a settlement scheme and if he comes here to ask a question and then the Minister does not answer it, to which place should the Member go for his answer?

The Speaker (Mr. Slade): I cannot go on and on answering this point of order. It has been raised so many times. If hon. Members are dissatisfied with the answer they get in this House, they have various remedies. They can record their dissatisfaction immediately by saying they wish to raise this matter on an adjournment. Then, if they are lucky enough to get it on an adjournment, they pursue it there. Or they can go and discuss it with the Minister afterwards. Or they can move a substantive Motion to record their dissatisfaction. I hope this is the last time I am going to be asked this point of order.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that in the past similar questions have been asked by Members from other areas and the Government has been willing to give the breakdown of people settled in new settlement schemes, would the Assistant Minister consider giving the hon. Member who has asked this question a complete reply so that the hon. Member will be able to go back to his constituency and inform his constituency what the Government is doing for them?

Mr. Gachago: Mr. Speaker, Sir, the Government is not engaged in a campaign to campaign for Members, and the Government considers

[Mr. Gachago] applications for settlement on the basis of province, and it is the chairman of the Provincial Councils, and his committee who allocate plots, in accordance with the needs of their areas. Mr. Speaker, Sir, if the hon. Member wishes to know how many people from his area have been settled, he can easily go and find this out from the chairman of the Eastern Provincial Advisory Council.

Mr. Anyieni: Mr. Speaker, Sir, on a point of order, you have ruled in this House before that when a question is asked of a Ministry the Minister or Assistant Minister, should reply to it instead of referring the question to some outside authority for the information?

The Speaker (Mr. Slade): I have answered that point too, a good many times. It is quite true that Ministers are expected to accept some responsibility to answer in this House for everything that goes on in the country, even if the primary responsibility rests elsewhere; but I cannot, as a matter of order, rule that a Minister may not, when required to give certain details, refer his questioner to the authority who has to control those details. The House may not like it, but it is not out of order.

Mr. Lorema: On a point of order, Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the Eastern Region Provincial Advisory Council is now powerless and that the matter should be handled by the Central Government?

Mr. Gachago: Mr. Speaker, Sir, I am not aware, because as far as the Department of Settlement is concerned, the chairman of the advisory council and his committee are still in full power in respect of selection of settlers.

Question No. 2036

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- give the names of registered co-operative societies in Kilifi District;
- state what plans he had to procure at least one officer for each administrative division in Kilifi to assist the co-operatives to become more effective.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. The names of registered co-operatives, say in Kilifi

District, are as follows: 'Shariani Farmers' Co-operative Society Ltd., Rabai Farmers' Co-operative Society Ltd., Chonyi Farmers' Co-operative Society Ltd., Malindi Farmers' Co-operative Society Ltd., Ganda Farmers' Co-operative Society Ltd., Gedi Farmers' Co-operative Society Ltd., Kaloleni, Tegorota and Tibana Farmers' Co-operative Societies Ltd.

The Rabai Farmers' Co-operative Society Ltd. is a subject of an inquiry which may lead to its liquidation.

In my reorganization plan, I am making arrangements to have an officer for each district, which includes Kilifi. It is my wish to post a junior officer to every district having eight or more co-operative societies.

Mr. Shikuku: Arising from the reply by the Minister to the effect that he intends to send co-operative officers to every district, is he aware that the co-operative work is being hampered by the fact that there are so few people to guide the people in the areas, and when is he intending to do this?

Mr. Ngei: Mr. Speaker, Sir, I said in this House about a month ago that I intended bringing into being or into full activity official co-operative officers who will be in charge of legislation and grants and so on. At the moment, I am giving extensive facilities both in the Kenya Institute of Administration, and overseas, to train more staff for co-operative work.

Mr. Shikuku: Mr. Speaker, Sir, could the Minister be kind enough to tell the House how long this will take so that we could ask our people to prepare?

Mr. Ngei: Mr. Speaker, the hon. Member is very aware that I am expecting some officers to arrive very shortly, and about a fortnight ago some officers came back from overseas, having taken adequate courses in regard to co-operative work. At the moment, I have several students who are studying in Israel, the U.S.A. and Denmark on a co-operative basis, and in about a week's time more than forty officers will be completing courses in the Kenya Institute of Administration. If the hon. Member remarks how I select them, he should not bring to me the question of -ism or the question of tribalism. I am prepared to give him the names of various people, for example, the students who are in Israel, who include—

The Speaker (Mr. Slade): Mr. Ngei, I think you have been brought on to the next question.

The Assistant Minister for Internal Security and Defence (Mr. Aringwings-Kodhek): On a point

[Dr. Mungali] to teach the Tanzania Government with regard to the equality of mankind, particularly of Africans.

Mr. Somo: Mr. Speaker, Sir, Kenya is a friendly country with Tanzania, have we created any law in Kenya preventing any particular tribe from Tanzania from coming to Kenya?

Dr. Mungali: I did not understand the question.

The Speaker (Mr. Slade): Will you repeat your question, Mr. Somo?

Mr. Somo: My question is this, Mr. Speaker. In as far as Kenya is a friendly country with Tanzania, have we passed any law in Kenya preventing a certain tribe from Tanzania from coming into Kenya to correspond with what they have done with our tribes in Kenya?

Dr. Mungali: No, Sir, we have not and we have no intention of basing our laws on the laws of Tanzania.

Question No. 207

UNUSED LAND ON SISAL PLANTATIONS

Mr. Ndile asked the Minister for Agriculture and Animal Husbandry if he is aware that at Dwa Sisal Plantation, and Masongoleni Sisal Plantation large pieces of land were lying idle? If so, was he prepared to declare such land abandoned and pass it over to the people for cultivation?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. I am not satisfied with the ruling of Masongoleni, and have already called for a special report from the Machakos Development Committee.

Hon. Members will recall that the owner of this estate was killed in an air crash and subsequent litigations has made the estate run unsatisfactorily.

Mr. Ndile: Mr. Speaker, Sir, would the Assistant Minister answer this point about Dwa Plantation and not Masongoleni alone.

Mr. Murgor: Mr. Speaker, Sir, Dwa, on the other hand, is a comparatively tidy estate producing a satisfactory grade of sisal. It is important to know that in my big sisal plantation, where there is no alternative cash crop, some parts of estate will be idle at certain periods.

Mr. Choge: Mr. Speaker, Sir, I would also like to know in view of the fact that large portions of this sisal estate are lying idle, whether

the African squatters in this area are victimised by the Government or not?

Mr. Murgor: No, Sir.

Question No. 199

REMOVAL OF HEADMISTRESS AT KAIMOSI

Mr. Godia asked the Minister for Education if the Minister had considered recommending to the Friends Africa Mission the removal from office of the headmistress of the Kaimosi Girls High School who had not allowed her students to be taught English by suitably qualified men graduates as against women graduates who could not be found in the country?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. No Sir, it is not the case that the headmistress will not allow her pupils to be taught English by suitably qualified male graduates. Unless there are other grounds which the hon. Member has not revealed, there appears to be no grounds for recommending the headmistress's removal.

Mr. Godia: Arising from the Assistant Minister's reply, is the Assistant Minister aware that the headmistress had objected to a recommendation by the provincial educational officer instructing her to employ male graduates to teach in the Kaimosi Girls High School because there were no women available, and the headmistress objected? Why?

Mr. Mutiso: No, Sir. The Ministry is not aware of this fact, Mr. Speaker and I would like to enlighten the House of the fact that this school has four graduates and three non-graduates out of this, Mr. Speaker, there are two men graduates and all of them are expatriates.

Question No. 208

CONVERSION OF DETENTION CAMPS INTO TRADE/HAND WORK SCHOOLS

Mr. Ndile asked the Minister for Education if the Minister was prepared to convert some of the colonial detention camps at Manyani, into trade/hand work schools for training Kenya fundis?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. I have contacted my colleagues at the Ministry of Home Affairs and I am told that there are no colonial detention camps to be converted into trade/hand work schools for training Kenya fundis.

[The Assistant Minister for Education]

I might also, Mr. Speaker, mention here that the question of expansion of technical education, which includes the training of Kenya fundis, is under very active consideration by my Ministry, in consultation with the Ministry of Labour and Social Services.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister agree with me that Government is not prepared to convert the detention camps into trade/hand work schools because of the detention of innocent Somali politicians?

Mr. Agar: Mr. Speaker, Sir, in view of the fact that in some of these camps like the one named Manyani, the background and the association in the minds of the Africans in this country is that people were tortured in them, would the Assistant Minister consider converting them into established and social working institutions so that people forget what happened in them?

Mr. Mutiso: Mr. Speaker, the Ministry is not prepared to do what the Member suggests. In fact, Mr. Speaker, the detention camps are still run by this Government.

Mr. Masinde: Mr. Speaker, Sir, arising from that reply, could the Assistant Minister explain briefly why the detention camps are still necessary since we have prisons all over the country?

Mr. Mutiso: Mr. Speaker, Sir, the reason why detention camps are still needed is because there are different cases which need detention before a person can be sent to prison and therefore these are necessary.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Assistant Minister be specific and mention one example of a case which would still need a detention camp?

The Speaker (Mr. Slade): Next question.

Question No. 203

LICENCES AND PERMITS FOR KENYA CITIZENS

Mr. Godia asked the Minister for Commerce and Industry if he had, in consultation with the Ministry of Co-operatives and Marketing, considered introducing a Bill to empower him to issue business licences and permits only to African and registered Kenya citizens after December, 1966, and to provide non-citizens with temporary permits to enable them to wind up their business and leave the country meanwhile?

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, it is the wish and the policy of the Government to see more African businessmen playing a major role in the economy of this country.

In consultation with the Ministry of Co-operatives, and, in addition to the Government's efforts to this end, a Bill is being drafted at present which will stipulate that anybody wishing to have a business in Kenya will be required to have a trading licence. The intention of this Bill is to ensure that for some businesses, which will be specifically defined, licences will be issued to Kenya citizens and Africans in particular. It is hoped that this move will encourage Africans to widen their spheres of interest, for example, from retail trading to wholesale trading—and so on, in all for of commercial enterprises. The policy of the Government is to see that certain types of businesses will be earmarked for citizens only, and particularly Africans. The Government however, will continue to welcome foreign investments by non-citizens particularly in those businesses in which the citizens have neither the capital nor the technical know-how.

Thus, it is not the intention of the Government to kick out non-citizens from the country as they also have their role to play in our economic development.

Mr. Godia: Mr. Speaker, Sir, arising from the Minister's reply, if the non-citizens of Kenya are not kept out of business, is the Minister not aware that they are bound to interfere with the profits which should come to the Africans entirely?

Dr. Kioko: Mr. Speaker, Sir, as I said in my original reply, there will be some businesses which will be specifically defined for which licences will be issued to citizens only.

Mr. Anyleni: Mr. Speaker, Sir, would the Minister give an assurance that the permits given to the overseas people, who are non-citizens of Kenya, will be permits which cannot be applied for by Kenya citizens only?

Dr. Kioko: Mr. Speaker, Sir, I keep on repeating myself, what I said was that the Kenya Government will continue to welcome foreign investment by non-citizens in those businesses in which citizens have neither the capital nor the technical know-how.

Mr. Odoyo: Mr. Speaker, Sir, would the Minister therefore assure this House that the non-citizens, particularly the shop-keepers, will not be allowed to run businesses in the areas where African citizens predominate?

[Mr. Choge] similar question and he did not find time to raise another supplementary question, could you allow him to ask another supplementary question instead of asking the same question?

The Speaker (Mr. Slade): No, I do not understand your point, Mr. Choge. We will go on.

Question No. 2045

BOUNDARY DISPUTE: NYANZA/WESTERN PROVINCE

Mr. Odero-Sar asked the President what results had been reached by the Nyanza and Western Provinces regarding the boundary disputed areas between the two provinces.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The Nyanza and Western Provinces have not reached any decisions regarding the boundary disputed areas. A committee selected by both provinces is taking evidence from people in the disputed areas, and the House will be informed of this.

Question No. 2046

COST OF ECONOMIC COMMISSION CONFERENCE

Mr. Gadatta asked the Minister for Economic Planning and Development what it cost the Kenya Government to be hosts to the (Economic Commission for Africa) Conference.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. The estimated cost is about £41,000. The actual total might be slightly more or might be less, depending on the settlement of outstanding liabilities.

Mr. Gadatta: Mr. Speaker, Sir, arising from the Minister's reply, could the Minister tell this House what did Africa in general, and Kenya in particular, gain from that conference?

Mr. Mboya: Mr. Speaker, Sir, the answer is so elementary that I will not bother the House with it.

Mr. Gatlatat: Mr. Speaker, Sir, as a representative of the taxpayers, I would like to know, after having spent a lot of money on this conference, what gain there will be for the country?

Mr. Mboya: Mr. Speaker, Sir, as a taxpayers' representative, the people represented by the hon. Member expect him to know how to do his homework.

Mr. Anyien: On a point of order, Mr. Speaker, the reply of the Minister to Mr. Gadatta's question was almost as if the Minister thought that the question was not in order or was not a question which should be asked. Now, is it only you who can tell us whether a question needs an answer or whether it does not need an answer?

The Speaker (Mr. Slade): No, I think you are back on old ground, Mr. Anyien. As I have said so many times, Ministers decide themselves whether they answer a question and to what extent they answer a question. Mr. Mboya decided in his wisdom or otherwise, that the question did not call for an answer.

Question No. 2010

REQUIREMENTS FOR PROMOTION IN THE FORCES

Mr. Malsori-Imbobo asked the Minister for Internal Security and Defence what the requirements were for promotion to the ranks of—

- Senior Superintendent in the Police;
- Brigadier in the Kenya Army;
- Fleet Commander in the Kenya Navy;
- Wing Commander in the Kenya Air Force.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. The requirements are: professional ability, merit, experience, intelligence, and leadership qualities for the appropriate ranks.

Mr. Khalif: Mr. Speaker, Sir, would the hon. Minister agree with me, in spite of his reply, that normally, in Kenya at present, the requirements for any promotion is either to belong to the Kikuyu or Luo tribe?

Dr. Mungai: Mr. Speaker, Sir, I do not reply to that type of question, which is meaningless.

Mr. Agar: Mr. Speaker, Sir, while accepting the Minister's criteria for these posts, would he agree with me that this House, as constituted, is not really the competent authority to judge ability at the present time?

Dr. Mungai: Mr. Speaker, Sir, I am not sure whether the hon. Member meant to say what he said, but I do agree with him.

Mr. Agar: Mr. Speaker, Sir, arising from the Minister's reply, where he has given the criteria for a person already in the posts mentioned in the question, is he aware that this House is not satisfied with the constituted body which judges the criteria?

Mr. Lorema: Mr. Speaker, Sir, is the Minister aware that one of the factors which contribute to this is that of the less-developed areas, which he has not mentioned?

Dr. Mungai: Mr. Speaker, Sir, I have not mentioned any developed or underdeveloped areas.

Mr. Gatiguta: Mr. Speaker, Sir, arising from one of the replies from the Minister to another question, may we know the composition of the constituted authority who decide promotions?

Dr. Mungai: Mr. Speaker, Sir, the authority for promotions in the Police Force now is the Public Service Commission; and Commanders of the Army, Air Force and Navy are appointed by the President, on the recommendations of the Military Council.

Mr. Odoya: Mr. Speaker, Sir, the Minister, in replying to this question, mentioned one thing was experience. Now will he tell us why some of the senior African members of the Police Force, who have worked for more than ten or fifteen years, have not been appointed to the posts of Director of Intelligence or Commissioner of Police, instead of the person appointed, who has only about five years' Government service?

Dr. Mungai: Mr. Speaker, Sir, I did not say that only experience was necessary; this is not the only criteria. I said professional ability, merit, experience, intelligence, and qualities of leadership all put together.

An hon. Member: You are lying.

Mr. Malsori-Imbobo: Mr. Speaker, Sir, arising from one of the replies—

Dr. Mungai: On a point of order, Sir, I do not know whether the hon. Member has any reason for saying that I am lying when I am telling the truth in this House?

The Speaker (Mr. Slade):—He is completely out of order. If I could identify the hon. Member who said it, I would send him out.

Mr. Malsori-Imbobo: Arising from one of the Minister's replies, would he agree with me that, in the Police Force, what he told the House was done in regard to promotions, is not really what is done?

Dr. Mungai: Mr. Speaker, Sir, this is done by the Public Service Commission, who are responsible for promotions in the Civil Service. In the same way, this now applies to the Police Force.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 2010: REQUIREMENTS FOR PROMOTION IN THE FORCES

Mr. Agar: On a point of order, Mr. Speaker, in view of the fact that I personally am not satisfied with this reply, can I be allowed to raise this matter on an adjournment?

The Speaker (Mr. Slade): When we can find time for it.

ORAL ANSWERS TO QUESTIONS

Question No. 2044

PROHIBITION OF ENTRY TO TANZANIA FOR KENYA TRIBES

Mr. Malsori-Imbobo asked the Minister for Internal Security and Defence if he would tell the House the reasons why the following Kenya tribes were not allowed to go to Tanzania unless they possessed permits:—

- Kikuyu.
- Luo.
- Kamba and Taita.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. This law is made by a friendly country which is Tanzania and it is not the responsibility of the Government of Kenya. However, the Government of Tanzania has indicated that they may relax this law. It came into being on 1st August 1961, when the new immigration regulations known as the "Immigration Control of African Immigration Regulations, 1961", came into force in what was then Tanganyika. This being legislation affecting another foreign state, Mr. Speaker, Sir, the Kenya Government can say very little on it, but I believe it was there so that they could control the influx of these various tribal groups entering the areas that people of Tanganyika wanted for the settlement of Tanganyikans at that time. However, it was proved later that the Government of Tanganyika was very friendly to Kenya and asked for some settlers from Kenya to come to other areas of Tanganyika.

Mr. Mboya: Arising from that reply, Mr. Speaker, would the Minister assure this House that the Kenya Government will make representations to the Tanzania Government and convince them that all citizens of Kenya are equal, whether they are Kikuyu, Luo or Nandi?

Dr. Mungai: Mr. Speaker, Sir, the Government of Tanzania knows that very well and I do not believe it is the Kenya Government's business

Mr. ole Tipsis: Mr. Speaker, I see my time is running short, but I would like to, make it clear that this country and its leaders, all of us included, are fed up with this sort of insincerity and double talk. Either we mean what we utter from our mouths, or not, because we might mean something different from the bottom of our hearts.

Now, some of the big-mouthed people will shout the loudest. They insist on trying to say anything American, British or Western, is evil, but when their employers from the East—

The Speaker (Mr. Slade): Order, order, Mr. ole Tipsis, you are supposed to be replying to the debate. I have not heard, throughout this debate, any discussion of the Americans being evil, nor of anybody being employed by the East. You are meant to be discussing what has been said.

Mr. ole Tipsis: M. Speaker, referring to what the hon. Member from Majogo-Bassi said, that the students at Lumumba Institute are capable, I do not think we needed that sort of lecture. We are grown up, and we are capable, and we are not going to go to the countryside and contest in any election with them. Now, we know what happened, for your information—

The Speaker (Mr. Slade): For mine?

Mr. ole Tipsis: Yes, for your information, in the Rift Valley. I am referring to one of the students in the Lumumba Institute who was forced to leave the institute before he had completed his course, simply because a certain Member of this House, and a prominent one too—

The Speaker (Mr. Slade): No, we will not have that.

I think you had better use your last minute better.

Mr. ole Tipsis: Now, Sir, the last point which was mentioned by the hon. Member from Majogo-Bassi, is who are these infiltrators? They are communist agents who are out to destroy the smooth running of this Government, by bringing in foreigners. If they could only give us a helping hand, then we should be glad.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

Resolved accordingly:—

THAT this House being grateful to the donors of the Lumumba Institute, urges the Government to put the Lumumba Institute under general management and control of the Ministry of Education.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for interruption of business. The House is adjourned until Tuesday, 4th May 1965, at 2.30 pm.

The House rose at thirty minutes past Twelve o'clock.

WRITTEN REPLY TO QUESTION

Question No. 2000

KENYA GOVERNMENT LOANS DEBT

Mr. Rurumban asked the Minister for Finance what the overall debt of the Kenya Government, in respect of loans to foreign countries was.

REPLY

The Minister for Finance (Mr. Gichimu): I have assumed that what the hon. Member wants to know is the overall debt of this Government to foreign governments and overseas institutions including money owed to overseas holders of Kenya loans; the figure is £71,473,911.

Tuesday, 4th May 1965

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

UNPARLIAMENTARY WORDS AND PHRASES

The Speaker (Mr. Slade): Hon. Members, during a debate last Friday morning, I had occasion to remind the House that it is out of order for any hon. Member ever to refer to another as a "stooge". Two Members then raised another as to what words may or may not be used in this House. It was not necessary that I should give any elaborate ruling on those points at that time, and I was disinclined to interrupt the debate for that purpose; but I think that I should answer them more comprehensively today.

As I said, it is obviously impossible to give a complete list of words which are objectionable; but I do not think that hon. Members will experience much difficulty in their choice of words, if only they understand and observe the principle.

The principle is very simple. It is that we are here to discuss matters of national importance objectively, and not to be offensive to each other! Any hon. Member who sets out to give personal offence discredits both himself and the House as a whole, and it is out of order.

Some words, such as "liar" or "traitor", are clearly offensive in all circumstances, and should never be used.

Other words, such as "communist" or "capitalist", though not necessarily offensive, may become so in certain circumstances. Some people may be proud of being communists, whereas no one can be proud of being a stooge; but if an hon. Member calls another a "communist" with the intention and effect of giving personal offence, as may happen when Members claim to be non-aligned, then he is out of order.

Please, then, bear this simple principle in mind; that personal insults are out of place in this House, and that you must choose your words accordingly.

ORAL ANSWERS TO QUESTIONS

Question No. 2021

REINSTATEMENT OF FORMER DISTRICT OFFICERS

Mr. Khalif asked the President whether the Government would reinstate Mr. Hashim Abdi

Omar, former district officer, who was discharged after being sentenced to 18 months' imprisonment for an assault charge but was subsequently acquitted by the Supreme Court on appealing.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I beg to reply. First of all I would like to correct two false impressions in the question. According to the records, Mr. Hashim Abdi Omar has never been a district officer. He was a district assistant according to the records. The second false impression I would like to correct Mr. Speaker, Sir, is that the gentleman referred to in the question was acquitted by the Supreme Court. What, as a matter of fact happened, is that after the officer in question was convicted by a subordinate Court, his appeal was partially allowed by the Supreme Court, that is to say the sentence of eighteen months was reduced to six weeks. Having said that, Mr. Speaker, Sir, I would like to say that it is the practice in the Government service that a Government officer who has been convicted by a court of law cannot be reinstated. Accordingly, the Government does not wish to reinstate Mr. Hashim Abdi Omar, because that would be in conflict with the Code of Regulations.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister agree with me that in view of the fact that Somali administrative officers are very few, this person could have been exceptionally accepted for reinstatement. I mean taking into consideration the fact that Somali administrative officers are very few, and in particular district assistants because they are only three?

Mr. Nyamwaya: Mr. Speaker, Sir, the Government intends to preserve the Rule of Law, and that is to say that nobody is over or above the law. Anybody who has committed a criminal offence will not be retained in the Public Service, because he comes from a tribe where the ability is sparse. But what the Government intends to do, Mr. Speaker, Sir, is to consider finding a replacement preferably a person from the same tribe who has the requisite ability.

Mr. Ekiella: Mr. Speaker, Sir, on a point of order. My point of order, Mr. Speaker, Sir, is this. When the hon. Member, the Assistant Minister is speaking on that, could he assure the House now whether these Somalis who have been killed—

The Speaker (Mr. Slade): Order! Mr. Ekiella, if you still do not know the meaning of a point of order, I must advise you not to raise points of order at all.

Mr. Choge: On a point of order, Mr. Speaker, Sir, suppose some other Member had put a

[Mr. Atiyeh] professional infiltrators are. If any Member knows them, I think it is proper and right that he should inform the Government; usually the Government, should be informed, but the President is a Trustee and so the President should be informed by these Members, so that he will take immediate steps to see that this is not done.

The Seconder said that he is committed to fighting international communism. Mr. Speaker, Sir, I do not know this communism, and I would like to know where it is so that I can join my hon. Member in fighting it. Mr. Speaker, Sir, it has been said again and again that the enemy of Kenya is not capitalism, it is communism. The enemy of Kenya is communism. Is he ignorant? Mr. Speaker, Sir, if some of our people who have now changed their process to fight these things, and are now fighting another thing, then I think they are taking sides which could be dangerous Mr. Speaker. It is the policy of the American Government, for example, to fight in international communism, and then the Russians fight international capitalism. However, we do not want to be drawn into any of these things. What our people want, and this is what the students are being taught in the Lumumba Institute, is to find ways and means of helping the masses to be able to improve their economic position. If some Members here do not believe that the party officials have anything to do with the running of the country, then we will ask all those Members, who were elected by the masses to resign.

Mr. Speaker, Sir, I will finish my time, but it is not fair that any Member who has a chance to speak in this House should try and say that those students of the Lumumba Institute are going to be led into wrong things. This is incorrect and wrong of these people and I would like them to see the studies the students have taken, so that after they have finished this course they should go out and work for the people. If any Member here thinks that because he is in this House he will determine Kenya's destiny, the Leader of the Party and the important people will find that they are wrong.

Finally, Mr. Speaker, Sir, I would like to express my full confidence in the Trustees, one of them who is the President of the Government and the other who is the President of the Party and of the Government. I would also like to congratulate my hon. friend, Mr. Kaggia, who is a popular man in the countryside. It is not true to say that the hon. Mr. Kaggia is not a popular man. All the time my constituents are asking that they do not ask the Government to go there as they—

The Speaker (Mr. Slade): Order, order! I just want to point out that the popularity of Mr. Kaggia does not come into this debate.

Mr. Atiyeh: Mr. Speaker, Sir, my time is running out, and what I would like to say is that the Government would not do something, and I am very sorry if any person thought that they were going to embarrass anybody by bringing this Motion to the House, and hope that they have not been disappointed.

Mr. Kamau: Mr. Speaker, Sir, I am saying very bravely, and I think the hon. Members will benefit from the practical man rather than the theoretical man.

The Speaker (Mr. Slade): Yes, but keep to the subject of the Motion.

Mr. Kamau: All right, Mr. Speaker, Sir, I am a former student of the Lumumba Institute and when the parties were asked to send their representatives then I had a chance to go. I would like to speak of what I know and not what I do not know. What I should say, Mr. Speaker, Sir, as I said formally, is that I did dissociate myself with the statement the students made. I thought it was quite right that the statement should have been made by the students, instead of by the principal of the Lumumba Institute and not to come to the state of shadowing their own Government. But, I must take it that somebody has published this statement, and I like any student in this House to do it. If anyone is to state in this House that this statement is theirs then I will refute it, that the students asked the Government and nobody can try to deny them.

Mr. Speaker, Sir, I must thank the Government for introducing this African Bible on African socialism which has now come out at the correct time, because, Mr. Speaker, Sir, as I would say, very frankly, that had it not been that the Government had taken this total expense to suggest or to take over this institute, I give an assurance in this House, that it would have taken a long time before you see fire anywhere in the country. Mr. Speaker, Sir, we did have a revolution here during the imperialist government when Mau Mau tried to overthrow them, but they could not agree with the Government to help in this country. What we want to say, Mr. Speaker, Sir, is a social revolution.

Now, Mr. Speaker, Sir, I want the Members to know what I am going to say, and I think that many will be a witness. It is very convenient that the Government have taken this course because there is no organization in the institute.

[Mr. Kamau] When in the House we have a Speaker, a Clerk, a Sergeant-at-Arms, and everyone knows his job, but at the Lumumba Institute we have no management, no registrar. There is no principal. Even the students are trying, being one myself, why? Because they do not know where to go and where the difficulty arises. Even my friend, Mr. Oduya, I can call you by name, I know the place better than yourself (Inaudible).
Lumumba Institute, so as to send us back to go there and find information (Inaudible).
who can use the name of my President as a break to cover the things which have been done. I am speaking of this technically that the name of the President is even used under cover and to make use of unfortunate people, and taken by a long standing—

Mr. Khalif: On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate that the name of the President is being misused for certain things?

The Speaker (Mr. Slade): It is not a proper case of substantiation, and I am afraid Mr. Kamau that it is time now to call upon the Mover to reply. We must dispose of the amendment, and I must then call upon the Mover to reply.

You may finish one sentence.

Mr. Kamau: Mr. Speaker, Sir, it is high time for the President and the Government to take over the institute, and everybody who are educated in the Lumumba Institute (Inaudible).
of the Government.

Therefore, Mr. Speaker, Sir, I very strongly support the Motion.

(Question of the first part of the amendment, that the words to be left out be left out, and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Ole Tjips: Mr. Speaker, Sir, first of all, I must congratulate the Minister for accepting the Motion, even though with a different wording. Let us be very clear, and I made it very clear at the beginning, that what is wanted is the Government to intervene to prevent a situation

arising at the Lumumba Institute whereby some politicians would misuse this institution for their own personal, political glorification. As far as this goes, Sir, the amended Motion has definitely, even according to this letter, a circular letter by the students themselves, shown that they are independent, and their autonomous status which these students control, those who claim to be on the Board of Government. They used the independence which was vested in them—

The Speaker (Mr. Slade): Order. The amended Motion does not justify criticism of the Board of Management.

Mr. Ole Tjips: Mr. Speaker, what I was saying is that the Government has seen it right and fit to manage and control the Lumumba Institute. This is all that it asked for, to manage and control the Lumumba Institute.

Now, Mr. Speaker, I have heard a number of speakers trying to say or boast that since His Excellency, the President of our Republic is one of the Trustees of this institute, he knows exactly what is going on. The same people are speaking with double tongues, and we know this. The same people are trying to contradict the policies of the President.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, I do appreciate the notice that the hon. Member is making, but is it in order? He is saying that there are some people who say that they support the President, but when they go outside they do not support him. My point of order is that despite the noise that is being made by the hon. Member, has this anything to do with the debate?

The Speaker (Mr. Slade): Not very much I do not think.

Mr. Ole Tjips: Now, Sir, what I was going to say is that we are—

Mr. G. Godana: On a point of order, Sir, I would like your guidance, as to whether references like this about the President are relevant to a debate on the Lumumba Institute?

The Speaker (Mr. Slade): I do not quite understand what your point of order is.

Mr. G. Godana: Mr. Speaker, somebody raised a point of order, the hon. Mr. Okelo-Odongo, as to whether reference to the President was relevant.

The Speaker (Mr. Slade): No, he wanted to know whether it was relevant to the debate.

Mr. Kagga: Mr. Speaker, Sir, what I was saying was that we have nothing to hide in Lumumba Institute and I would like to answer one point. As I said, we welcome any control from the Ministry of Education, but there have been a lot of rumours and lies that have been spread about the Lumumba Institute and this, Mr. Speaker, must be corrected. Some people have been saying that it has locked doors, it is a communist institution, and so on; and I say that those who have been spreading such rumours must be against the Vice-President and the President, who are the owners of this institute.

The other thing they have said, Mr. Speaker, is that this institution has been used for subversion and other funny things which they could not substantiate, and therefore I think this was only meant to confuse the issue.

So, Mr. Speaker, I would like to say that we would welcome the amendment of the Government, but the Mover of this Motion had no reason whatsoever for moving this Motion. If this was suggested from the Government, we would have nothing against it, but all the funny talk that covered the whole Motion was not true and was malicious propaganda. In fact, I would call it real Western propaganda—and I am saying this repeatedly—which is bringing this House and the people of this country into the cold war, which we have always been fighting against. This country has been receiving aid from America, from Britain, from West Germany but we hear nothing of the aid which comes from the East. This shows, Mr. Speaker, that all this is intended as Western propaganda.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I shall speak for two minutes in order to allow other Members to speak.

The Member who has just sat down said that His Excellency the President of Kenya is responsible for everything that happens in the Lumumba Institute.

Mr. Kagga: On a point of order, Mr. Speaker, I think that is a misrepresentation of what I said. I said the President is a Trustee of the institute.

The Speaker (Mr. Slade): You said a bit more than that, but not so much as Mr. arap Moi says.

The Minister for Home Affairs (Mr. arap Moi): What I am trying to say, Mr. Speaker, is that I do not believe that the name of the President of Kenya, as well as the President of Kenya, should be used in trying to undermine what he does. Here, Mr. Speaker, Sir, the principal of the school allowed this document

which is slanderous document to be published and my name is referred to in it. I have consulted my lawyers to see those persons who were responsible for writing and publishing this document issuing it to the public and the students who have been coming from those areas and purporting to speak for the people. Among the students who come from the region is one who is not a Kalenjin, speaking for the Kipsiga people and other people from other areas.

Mr. Kijipfefe: On a point of order, Mr. Speaker, I am asking your guidance about the students from Kericho. I am very sorry to say in this House that I did not send anybody from Kericho and I do not know who it is.

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

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, what I would like to tell the hon. Members here is that we should be genuine to ourselves. This document is actually one of the worst statements which has ever come from any institution, it refers to the state—which is the Government—as “the colonial remnants in this machinery” and of diplomatic pressure from America and Britain. I have made my position clear all the time. As anyone can read in the papers, I go against the Americans, I go against the Russians, the Chinese, the whole lot, I am not interested. Therefore, Mr. Speaker, when something is referred to another person, one should jump up and defends it. Why should we defend foreign powers when they try to interfere with our country? If non-alignment means bowing to any foreign power, then I do not understand what the logical thinking of those Members is.

Therefore, Mr. Speaker, I should like to say that some Members here have said no reasons have been advanced for getting the Government to control the Lumumba Institute. A good reason is this document.

Yesterday the Israel Institute was taken over or came under the control of the Government and also there are other similar institutions. So we would like to see the Lumumba Institute come under the control of the Ministry of Education, so that it becomes useful to our society.

Mr. Speaker, I support the amendment.

Mr. Anyieni: Mr. Speaker, Sir, I would like to say that I will not try to be extreme in this Motion, because I do not think it would be in the interest of the House for me to be so.

There is a very dangerous feeling going around amongst Members and some of the Members who I would like to speak are going away, and

(Mr. Anyieni) is a little disappointing. But, then, Mr. Speaker, you will see that there is a feeling here that there is some animosity amongst Members and there is some animosity which is brought, it is intended when a Motion like this is brought, it is intended to go against a Member, and then it seems as if there is another clique which is supposed to defend a Motion like this. Mr. Speaker, this is very unfortunate.

The Speaker (Mr. Slade): Mr. Anyieni, you must not impute intentions; that is where the trouble starts.

Mr. Anyieni: The point I am trying to make, Mr. Speaker, is this: that the Lumumba Institute is an organization, as has been said by the gentleman who has a little part in controlling it, which is under the President and the Vice-President. Mr. Speaker, I have been informed by one of the members of the Board that originally they asked that the Government should take it over, but the President said that it would not be proper for the Government to take over an institution like that. These two are trustees until the party is fully reorganized, and then the whole thing will be handed over to the party under the supervision of the Government. What is wrong with this?

I want to support the amendment, Mr. Speaker, because if the Kenya Government will allow any institution to be set up in any part of Kenya, without Government finding out what they are doing, that will be a stupid Government, and that is why I support the amendment of the Government. Mr. Speaker, the Government should be able to see what is going on. For example, Mr. Speaker, supposing that school today teaches things such as, you must overthrow the Government, and so on, the Government must know this. I am sure that up to this moment the Government has some people there to see that everything goes well. If it were not so, Mr. Speaker, the President and the Vice-President of the Republic, who are the two people in the Government, would have done something to stop something wrong going on there, which shows that they do control what is going on. Somebody is trying to say, Mr. Speaker, they are doing nothing; if they are doing nothing, it is not the fault of the students or of the teachers.

Mr. Speaker, as to qualification, there has been propaganda for some time since the institute was set up from the Western papers. Some of these Western papers went as far as to say that this Western party says that he is a neutralist, but now Kenya says that these foreign teachers to whom does he allow that he is a neutralist, but how does he allow that they are even trying to impute that the President is a communist. Mr. Speaker,

we would like to make one point clear: that the President of the Republic of Kenya is a straightforward man who does not want to make enemies with the British, with—

Mr. Khasakha: On a point of order, Mr. Speaker, Sir, the Member has referred to a paper in his speech and I think for the information of the House he should tell us the name of the paper.

The Speaker (Mr. Slade): No, not in a case like this.

Mr. Anyieni: Mr. Speaker, one Member said that the President can speak for himself, but he should know that he is not only the President of himself, he is my President, and I have the right to say something good about him.

Mr. Speaker, the other thing I would like to say as to qualifications of teachers is this. It has been said in some circles that the teachers who are there are mostly Russian. I would like to point out that the principal is an African: Mr. Gideon Mutiso, and he was trained in India, not in Moscow or Peking.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Speaker, is it in order for the hon. Member to say that the principal is a man by the name of Gideon Mutiso?

Mr. Anyieni: It is understandable, but I was referring to Mr. Matthew Mutiso, not the hon. Gideon Mutiso.

If getting an education means that a person becomes a communist, Mr. Speaker, then I start to wonder as whether we do not have too many communists, because my hon. friend Mr. Odoro-Jowi was also educated in India and the hon. Mr. Omolo Agar was also, and even the hon. Mr. Gatigwa was educated in India. So, Mr. Speaker, I would like to say that what I believe is that the Lumumba Institute is doing a good job and it is proper that the Government should be able to see what is going on.

The other thing I would like to say, Mr. Speaker, is this. Let us not underestimate the integrity and intentions of the students of the Lumumba Institute. These are not people who have been picked from the streets to come and be misled, they are people who many—many of them—see this place some of the Members now sitting in this House. I see somebody in trying to refer me to a document, but the thing I would like to say before my time is over is this. It is said that professional infiltrators are infiltrating into the school. We would really like to know who these

[The Minister for Economic Planning and

Development] were before. We want to remove that impression around the Lumumba Institute that it is an ideological institute, because it is not. The only way we can remove this is by bringing in the official stamp of the Government, so that everywhere, at home and abroad, it is recognized as a full institution of this country.

Mr. Speaker, in conclusion, I want to say that I have nothing against the fact that we have two Russians teaching at the institute, as some people have tried to make propaganda outside this Chamber, and elsewhere. This kind of propaganda is cheap, to say the least. I am quite happy to see the Russian teachers teach, provided they are the people with the right qualifications, and providing they do not each their own ideology and have someone to their every evening to teach them English. I want to say that when we employ American teachers here we always screen them, insist on knowing their qualifications, and insist on knowing that they are capable of teaching the subjects for which they are employed, nothing more and nothing less.

The Speaker (Mr. Slade): I will propose the question of amendment by Mr. Koinange, that paragraphs (a) and (b) be left out of the question, and that there by substituted the words, "put the Lumumba Institute under the general management and control of the Ministry of Education".

(Question of the first part of the amendment that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): As regards time, we have reached the point where the Mover is due to reply, but we have had a lot of interruptions in this debate, so probably the House would like to continue with the leave of the House. I will call on the Mover to reply at 12.30 p.m.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, Sir, I would like to know whether we are in order now to discuss the question of the Lumumba Institute when the amendment has been made by the Minister for Education, and indicate that this is going to be the policy of the Government to control all other institutes in the country?

The Speaker (Mr. Slade): We are concerned with the Lumumba Institute.

Mr. Kagga: Thank you, Mr. Speaker, as Chairman of the Board of Management of the Lumumba Institute, I will confine myself to educating the hon. Members on a number of

points which have been very misrepresented in this House.

Mr. Speaker, when I was listening to the Mover of this Motion, I was expecting him to give reasons for his moving the Motion, but I was surprised that he gave us nothing. He confined himself to vague statements which showed he knew nothing of the subject he was talking about. Therefore, I thought that the basis of moving this Motion might have originated from the paper which was read here by the hon. Mr. Nyagah, or from—

The Speaker (Mr. Slade): I am sorry, Mr. Kagga, but you cannot impute the motive underlying a Motion.

Mr. Kagga: Mr. Speaker, Sir, I will leave that, but what I was saying is that the Mover did not give us a single reason as to why the institute should be taken over by the Government. Therefore, I am going to explain most of the things about the institute.

Before I come to the institute, Mr. Speaker, I would like to clear a point about the students in the Lumumba Institute which has been referred to by the Minister for Economic Planning. I would like to make it very clear that the students in the Lumumba Institute are not ordinary students like in other colleges or schools. These are partly leaders, chairmen, secretaries and treasurers, and they are politicians, and as a result should say that whatever they say is as a result of their teachings at the institute. Many of them are older politicians than some of the Members here.

Mr. Speaker, I would like to say from the outset that the Mover spoke as if he did not know the managers of this Lumumba Institute, because I think if he knew he would not have spoken in the way he spoke. Many accusations have been raised in this House and outside the House that Lumumbasa Institute is led by foreigners. Some have said that it is controlled by the Russians. I would like this House to know and the public to know that the Trustees of this institute, are His Excellency the President of this country, who is also the President of Kanu, and the Vice-President of the Republic who is also the Vice-President of Kanu. Therefore, I would like to know whether the Mover of this Motion intends to tell us that he knows the policy of this Government, the constitution of Kanu and every thing else, better than the President and the Vice-President.

If this is not the case, Mr. Speaker, then it will show that the Mover of this Motion was

[Mr. Kagga] completely ignorant of the Lumumba Institute, its management and what goes on there.

Mr. Speaker, this institute is managed by a Board of Management which is appointed by the two Trustees. On this Board, Mr. Speaker, there are three Ministers of the Government. We have the hon. Mr. Murumbi, the Minister for Foreign Affairs; the hon. Mr. Achieng-Onyeko, the Minister for Information, Broadcasting and Tourism; and the hon. Mr. Paul Ngei, the Minister for Marketing and Co-operatives.

Mr. Speaker, that shows that the board has some leading members of the Government who are the custodians of the Constitution and the policy of the Government. More than that, Mr. Speaker, on the board there are other politicians who have been in politics for a long time, who do not need the Lumumba Institute to teach them, who do not need any Member of this House to teach them because they have been in politics a long time. Among those, Mr. Speaker, are the hon. Fred Kubai and Mr. K. Karumba, who is an old politician although he is not a member of this House, and myself, Mr. Speaker. Therefore, I would like to submit very strongly, Mr. Speaker, that this group has been in politics for a long time, before the hon. former Leader of the Opposition and the hon. Member for Namb.

Mr. Masford-Imburo: On a point of order, Mr. Speaker, I would like to seek your ruling whether we have in the House the Leader of the Opposition.

Hon. Members: The former Leader.

Mr. Kagga: Mr. Speaker, another point I would like to make is that the hon. Mr. Nyagah laboured very much on one point in our programme, which says that the teachers will teach what we want them to teach. Yes, I will interpret that Mr. Speaker, and say very strongly that this is to show just the contrary of what the hon. Mover was trying to show; this was to show that even if we have Russian or American teachers or British teachers, they are not going to teach what they want or what they teach in their country, but what they are told by the Board of Management. Here, Mr. Speaker, I must inform the hon. Member for Embu South that the programme which he was reading was carefully prepared by the Board of Management and approved by the Trustees. Therefore, Mr. Speaker, when we say that they are going to teach what we told them is that has been approved by the President of the Republic of Kenya. Therefore, as I said,

this does not mean that this is only the view of the board, it is the view and the policy of the country, the whole party, which are both embodied in the persons of the President and the Vice-President.

Mr. Speaker, on the question of teachers, I must say that the staff is under the Board of Management and they teach under our instruction. More than that, we have a very capable principal who is an African, who is at the top; and the Russian teachers who are there and even the English who may come tomorrow will have to work under him.

Mr. Gatuguta: Mr. Speaker, Sir, we do not understand whether the hon. Member is speaking on the amendment, whether he is supporting or opposing the amendment.

The Speaker (Mr. Slade): I would remind hon. Members they can speak on either the amendment or the whole issue of the debate. It may not be very important whether or not they speak in support of the amendment itself.

Mr. Kagga: Mr. Speaker, Sir, I think I am losing time.

What I was saying was that whatever sort of teachers we have in the Lumumba Institute, they do not teach on their own, they follow our programme and they are under a very capable African, so for anyone to say that there are Russian teachers and that therefore the institute is Russian led, shows that he is ignorant of what is taking place.

Now, Mr. Speaker, what I was going to say is that I am not against the amendment and, in fact, I would appreciate the Government assisting the institute, because we are in financial difficulties and definitely I would appreciate a grant from the Minister for Education. Therefore—

Mr. Ngala: On a point of order, Mr. Speaker, is the hon. Member in order in shouting "teach the stooges"?

The Speaker (Mr. Slade): Who?

Mr. Ngala: Mr. Oduya.

Mr. Oduya: Mr. Speaker, Sir, my friend is just interfering here with me for nothing. I did not say this.

The Speaker (Mr. Slade): Order. I did not hear Mr. Oduya say anything offensive; there was too much noise for me to do so. He does not acknowledge having said anything offensive.

Mr. Kagga, you must carry on.

The Speaker (Mr. Slade): If the hon. Member wants to refer to this document, he will of course tell the House its origin and contents.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I will leave the document on the Table. The title of the document is, "A Press Statement which we the students of Lumumba Institute", it has an attachment of all the names, so that if Members want to refer to it, it is there. Mr. Speaker, Sir, I am not attacking the members of the Lumumba Institute, and I do not wish to do so. I have worked with many of these people who are there as students and I know them. They are my friends. I know them to be some people who have worked very hard for the party. But it is clear to see what is beginning to happen. That someone should begin to transform the Lumumba Institute into a place where party officials or party workers, or party organizers, the moment they get in there, begin to feel that they are a class apart, away from the main part, away from the leaders of the party, away from the manifestoes of the party, away from the policies of the party. This is wrong and this is what some people want to do—

Mr. Kamau: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance as to the fact that when I say this paper, perhaps the hon. Members will be interested to know that I am a Lumumba Institute student, and to that effect, Mr. Speaker, Sir—

The Speaker (Mr. Slade): What is your point of order?

Mr. Kamau: Mr. Speaker, Sir, my point of order, is that I would like to disassociate myself with this paper, which the hon. Member for Nairobi, Mr. Mboya, speaks of, and I do not want the House to have the impression that I am associating to this paper.

The Speaker (Mr. Slade): It is not really a point of order, but I do not think that hon. Members would grudge Mr. Kamau this opportunity of explaining his own position.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I would like to say this, and this is all I will say about the students. What I would like to say is this, that as far as I am concerned, and I know as far as our President is concerned, and even as far as this House is concerned, we are happy to send our Kanu branch officials and organizers to the Lumumba Institute. We want them to stay

there because we expect and hope that what they come from there they will be stronger, more efficient and better organizers of the party, and they will help us to bring unity within the party. They will also help us to have a stronger basis for the party in this district and in other areas. But, Sir, this cannot be achieved if we create an antagonistic atmosphere which will poison the relations between those who happen to have gone to the Lumumba Institute and those who have stayed outside, and create an impression that the two groups are at war, because they are not at war. When these people come back to the Lumumba Institute and come back to the districts and to the branches, they will work with all of us. There will be no party which will be a Lumumba Institute Party, it will still be the Kanu Party. That is why, Mr. Speaker, Sir, I feel very strongly, that even the Governors of the Lumumba Institute, who are themselves responsible members, will themselves wish to see that the atmosphere in the institute, that the influence in the institute is one which leads to closer unity and not a place in which conflicts and fights will begin. We do not wish to see an institution in our country like those we see and hear of in other countries, where students are protesting as demonstrators in the streets, rushing about and frightening everybody. That is not the purpose of this institute, and that is not the kind of institution we want to see in Kenya. This belongs to other countries, but not to this country. This country has had a tradition. We have a university. We have other institutions. We have schools; but we have never had this tradition of students being made use of as a political tool or weapons to fight a battle outside the institution. The institute is for teaching certain things, and people go there to learn those things, but it cannot be a place for a full occupation with extra-curricula activities outside and above what is to be taught in the institute. We want these people, when they come out, to be able to teach us also. To be able to teach other people, but they are not going to be able to teach other people, if they have trained themselves to look upon everyone else as an inferior and ignorant person who does not know where the country is going. All this because of three weeks residence in this place.

Mr. Speaker, Sir: I would now like to say why it is necessary, in the opinion of the Government, for this institute to be under the management and control of the Government. Mr. Speaker, Sir, there are the following pertinent questions: First, if the institute is going to teach matters relating to policy and to help our people understand the Government's policy and party policy, then it is

(The Minister for Economic Planning and Development)

only right and fair that Government should have a say in how the institute is run.

You cannot touch on Government policy. You cannot help to interpret Government policy if the Government does not have a say in the institute and in the machinery that is used in doing this job.

Secondly, I think this House and the whole country will be interested. At the moment we have only one course, a course for party organizers, but the prospectus says that there will be other courses for members of co-operatives and trade unions, and so on. Now, Sir, it is necessary that we know how the students are going to be selected for these courses. It is a different question when we are inviting a branch chairman, or a branch secretary, because he is known to have been elected by his branch, but when you are going to select students from the co-operatives or from external affairs, political trade unions, or economics, we want to know what is going to be the criteria of selecting students. It must be laid down, it must be impartial and it must be understood. It cannot be on the basis of brotherhood or friendship or party political support. The institute must be a public institution with equal opportunities for all Kenyans. Therefore, we want to have access to that management and control of the institution so that we can supervise the selection of the students. Is it going to be a co-operative course for those with primary education or for those with secondary education, or for people with just experience? We want to know all these things, and that is why, Government must have a say.

The other thing, Sir, we want to know what the conditions of the students are. We have students in the medical training schools, or in the teaching training schools, and we know that they are going to get uniforms, and when they sick they are going to receive medicines, and be treated by someone. We know that they will receive an allowance of so much, and we know that their families are left at home—as some have wives and children—and we want to know what their welfare is going to be like. Is it going to be left only to some amateurish organization? We have a lot of professional knowledge in this matter. We want to know where the money is going to come from to meet the recurrent and expenditure. It is easy to build something, but is different to run it. This House has discussed more than once the problem of money coming from outside, and how this is to be managed. If

money is going to come from outside, we want to know the terms on which it is coming, and what conditions we are required to fulfil in order to continue getting the money. We want to know when the institute runs short of money whether the Government has to subsidize it, because it is quite obvious that sooner or later the institute is going to run out of money, and we will have to subsidize it from public funds. We want to know how we come into that, at what point and under what conditions. This is why the Government wishes to exercise control and management.

Mr. Speaker, there is also the question of what certificate the students get after their training. Now, Sir, when students go overseas or to any institute, they want to come away feeling that they have been educated, and the only way to make them feel that they have been educated, is for them to come from there with a specific understanding of what they have attained. Now, Sir, what is the certificate they get? We want to know also how that certificate of the Lumumba Institute on co-operatives is going to be related to another certificate on co-operatives from other institutions in this country and outside this country. We want to know whether these certificates will be useable for the students to get a job. Does this enable them to go to the Ministry of Co-operatives and get a job? What is more important, we want to know, Sir, what the qualification and experience of the teachers are.

Mr. Speaker, Sir, the teachers need to be qualified so that the students get the right certificate. In this institute the students are being taught in both English and Swahili. There are certain documents who are now employed to translate the documents from English to Swahili. We want to know the qualifications of these people who translate the documents, and whether they may have translated properly or not, otherwise we may have a case where a lecturer is given in English, and someone who translates it into Swahili gives a completely different lecture. The Swahili gives a completely different lecture. The students have the right to be given the best education, the right treatment, and see that their welfare is being taken care of. The students have the right to get out of the Lumumba Institute with confidence that they have been given the best education in the circumstances, for the period that they are there. The Board of Governors should be answerable to the Ministry of Education. The Government has no quarrel with the Board of Governors who are acceptable and those who can stay there. I am only interested that the standard of those who are acceptable and those who will help the students will come and be more useful to themselves and our society, than they

[The Minister for Education] carry on the objectives that the Government and the party are actually interested in for the benefit of the nation.

The Speaker (Mr. Slade): Are you seconding, Mr. Mboya?

The Minister for Economic Planning and Development (Mr. Mboya): Yes, Sir, and I will speak for twenty minutes.

Mr. Anyieni: The American ambassador.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I take the greatest exception to the insinuations and innuendoes by the hon. Member for Majengo-Bassi when he refers to me as the American ambassador.

POINT OF ORDER

CONDUCT IN THE CHAMBER

The Speaker (Mr. Slade): Mr. Anyieni, I did hear it this time. As the hon. Member rose to his feet and said he was seconding and claimed twenty minutes, you said, "The American ambassador". There is no doubt as to the meaning of that interjection, and you must apologize.

Mr. Anyieni: Mr. Speaker, I did not refer to the hon. Member who was standing, but if the words I said are taken to mean that I was referring to any hon. Member, I withdraw them.

The Speaker (Mr. Slade): And apologize.

Mr. Anyieni: I withdraw the statement and if an hon. Member felt that I was referring to him, and he was hurt, I apologize to him.

Mr. Gatuguta: Following that point of order, Mr. Speaker, Sir, since the hon. Member has a habit of calling other people stooges and other names, is it in order for this House to decide on a line of action to be taken against such Members, in order to keep the dignity of this House?

The Speaker (Mr. Slade): I gave a decision about this the other day. The first step, if I think that any Member has misbehaved so badly that he requires disciplinary action, beyond being required to sit down, is to require him to leave the Chamber for the rest of the day and the precincts of the House. If the case is worse than that—if I think it is worse than that—then I name the Member, and the House resolves whether or not he should be suspended from the service of the House; but the initiation of a Motion of that kind has to come from me. I have warned hon.

Members several times about interjections, particularly the use of the word "stooge". I repeated that warning yesterday, and the next time I hear the word "stooge" used with reference to any hon. Member, the Member who uses it will be sent out. However, I have not yet reached the point with any Member, as regards his interjections, where I think it proper to name the Member and leave it to the House to decide whether or not to suspend him; but the case may arise.

Mr. Shikuku: On a point of order, Mr. Speaker, does your ruling stand throughout, whether you are in the Chair or otherwise, because it so happens that at times when you are out of the Chair the word "stooge" is used and Members get on with it without any reprimand of the Member?

The Speaker (Mr. Slade): Oh, Yes. My rulings hold good whether I am in the Chair or not, and my powers rest with the Member who is in the Chair. If this word "stooge" is used when some other Member is in the Chair, I rule the hon. Members will remind him of my ruling.

Mr. Shikuku: On a point of order, Mr. Speaker, what would happen when an hon. Member draws the attention of the person in the Chair when you are absent to the fact that the word "stooge" has been used and should be withdrawn and he does not rule or comply with that, because I do remember yesterday the word "stooge" was used against me and when I rose on a point of order, the ruling was that it was not all that bad, and it continued?

The Speaker (Mr. Slade): I said, remind the hon. Member in the Chair of what I have said or tell him if he was not there when I said it.

The Assistant Minister for Finance (Mr. Okoko Odongo): On a point of order, Mr. Speaker, you have just ruled that the word "stooge" should not be used and anyone using it should go out, but the understanding is that there have been two words going together—stooge and communist—and would it be in order to rule also that the counterpart of this word is also out of order?

The Speaker (Mr. Slade): No, I cannot give a ruling about every word that might be used. When words are used, I am going to tell hon. Members whether or not they are offensive, if they do not know already.

Mr. Odoyo: On a point of order, Mr. Speaker, do we assume, therefore, that apart from the word "stooge" other words like puppet and

[Mr. Odoyo] and what not, are allowed to be used?

The Speaker (Mr. Slade): No, You do not assume anything, except that you are meant to behave.

(Resumption of Debate on Motion)

The Minister for Economic Planning and Development (Mr. Mboya): I hope that my time is taken from now and not from the first time I stood.

Mr. Speaker, Sir, all I would like to say in opening my remarks is that I think it would be a very unfortunate day for Kenya if Members here or people outside were to become so intimidated that they could not speak their minds on any issue that faces this House or this country. I certainly am not going to be intimidated by attacks or by any slogans that anyone might try to hang on me. I have had this for many years and it has never broken any bones. I will continue to hold to whatever policy or principles I believe in and it does not matter to me what anybody calls me. I will stand by what I believe is right for this country, and say that at any place at any time, and I do not care what anybody says about me. Mr. Speaker, Sir, too often people get too scared and that is why many countries have failed in the past, because men become slaves of fear and there is nothing worse than fear itself.

Mr. Speaker, Sir, I would now like to come to the subject of the debate, the Institute. I want first to say, as my colleague the Minister for Education has done, that we in the Government are very deeply appreciative of those who donate funds and material to make it possible for the Lumumba Institute to be built. We believe that the President and the Vice-President, when they agreed to become the Trustees had in their minds the service of the nation and the needs of the nation and the party. We believe that the spirit should be upheld and that no one should seek to undermine this initial intention, by turning the Institute into any other but an institute to serve Kenya and serve the party and serve the nation. So long as this is met then no one quarrels with the Institute. But, when it is not met then we have a duty to say where and when it is not met, and to do something about it as the Government of this country. Mr. Speaker, Sir, we are grateful that we can have an institute and that the name of that illustrious champion of Africa, Lumumba, and in that small way we are pleased and happy to pay tribute to such a great nationalist of this century in Africa. There are things he stood

and fought for and which he died for and we wish to see those upheld. But, we do not wish to see that name and those things defiled, or distorted or undermined by anyone at the Institute or by anyone who has donated to this Institute. That, Sir, is what we intend to uphold.

Mr. Speaker, Sir, it is unfortunate in the last few months that the Lumumba Institute has been made the object of cold war and ideological wrangling, brought here and overseas and in this House, and when one reads some of the Press reports you have two functions of the Lumumba Institute according to what Press you read. There are those who wish this Institute to be regarded as nothing but a den where revolution is cooked, where subversion is discussed and where communism is promoted and dished out. There are those who wish to give the image that the Institute is the only place where true nationalists reside, where true socialism resides and where true Africanism resides.

Mr. Speaker, Sir, both these images are false and wrong. The Institute is a simple institution where something good can be done and should be done, that is what we would like to do. It is not to be regarded as a show piece for one group or of one ideology, because it is not. What is going to happen is that from the kind of people who get out of the Institute, then and now they shall we be able to judge what is the product of the Institute. But we begin to see things which have completely distorted the original intentions of the President of this Republic when he felt that there was a need for that Institute. We begin to see coming out of the Institute leaflets like this written by people who are students at the Institute. What Government? With are they at war? Or with whom? One would like to know. Is this the kind of influence which we are being told is in the best interest of the country? These people, the students of the Institute, are not from Mars. They are just ordinary human beings who just come from ordinary villages. What makes them so special after going to the Institute which they were not three weeks ago? Mr. Speaker, Sir, are we being told sincerely that in three weeks people will become specialists in political science? That all of us in the Government are useless, ninetails, who cannot do anything for this country—

The Assistant Minister for Health and Housing (Mr. Moss): On a point of order, Mr. Speaker, Sir, may I demand of the Speaker, whether it is correct for the hon. Member to wave a document in front of us?

The Assistant Minister for Finance (Mr. Okelo-Obongo): On a point of order, Mr. Speaker, the hon. Member is accusing the Lumumba Institute which cannot answer here, saying that some Members were not allowed to talk to the Lumumba Institute. Can the hon. Member substantiate that?

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, I said, have not been allowed. Whether they will not be allowed to speak tomorrow or tonight is a different matter.

The Assistant Minister for Finance (Mr. Okelo-Obongo): When you say somebody has not been allowed, does that mean that he has been refused?

The Speaker (Mr. Slade): Actually, the words Mr. Nyagah used were "have not been given a chance". Mr. Nyagah, do you mean "have not been invited"?

The Assistant Minister for Home Affairs (Mr. Nyagah): Have not been invited.

Mr. Speaker, the other thing which has been talked about so much here is a little booklet known as the manifesto. We hear the manifesto has not been followed to the end, and it is true; Rome was not built in a day. The authors of the manifesto, which everybody here believes is correct, if properly and practically interpreted as far as I know, to the best of my knowledge have not had a chance to expound what was in their minds when the manifesto was drawn up. I hear an hon. Member saying that have not been denied, I have not alleged that they have been denied; all I am saying is that, to the best of my knowledge, they have not been allowed in this first course to have an early opportunity to expound on this.

Mr. Speaker, I go to the second part—personnel. The personnel part in the document says, "We intend to recruit" with your permission, Mr. Speaker, I will read this—"teachers of the highest calibre with thorough knowledge of the subjects to be taught at the institute. They must have the ability to teach and turn out students with initiative, independent judgement, capable of making correct and practical decisions themselves on the problems facing Kenya." That is most ideal. I accept that. What I do not accept, or shall I say accept with some reservations, is this: "Of course, such teachers must be sympathizers with our course and programme policy; our course, the word is 'our'." Mr. Speaker, perhaps I forgot to tell the House that the document has two patrons—His Excellency Mzee Jomo Kenyatta, His Excellency

the Vice-President, Mr. Oginga Odinga—and a Board of Management. I do not know whether the Board of Management which has six Members of Parliament and three non-Members of Parliament, plus the co-patrons, are the ones to whom the word "our" refers, and in supporting this Motion all that I am trying to say is that. This word "our", if it is from these people, should be translated to mean Government. Further on, Mr. Speaker—

Mr. Nyagah: On a point of order, Mr. Speaker, is it right for an hon. Member to have a brief case in the House?

The Speaker (Mr. Slade): Only if it is a very small one. The principle with regard to brief cases is that hon. Members are not entitled to bring into this House what I refer to as a portable secretarial, but they may carry a certain large enough for the papers which they require in the House.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, among other things that are said—quite a number of which I agree with under this paragraph on personnel—it is a final paragraph which is most perturbing. "In sort, the institute personnel, whether foreign or Kenyan, will be at our service—our staff—and we have to teach and work in accordance with the declared spirit of our programme and policy." The final point, Mr. Speaker, is this: "The teachers will teach what we want them to teach." Who are these "we"?

Is my time over, Mr. Speaker?

The Speaker (Mr. Slade): Yes.

Mr. Anylen: On a point of order, Mr. Speaker, in view of the fact that the hon. Mr. Nyagah has been interrupted by some unfortunate points of order and he has something to tell this House, would it not be in order for you, Mr. Speaker, to increase his time so that he can speak?

The Speaker (Mr. Slade): I have already allowed some extra four minutes for the interruptions Mr. Nyagah has suffered. With the leave of the House I can allow him to go on.

Hon. Members: No.

The Speaker (Mr. Slade): Some hon. Members say "No", and that means I do not have the leave of the House.

I understand the question has not yet been proposed.

(Question proposed)

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I am quite sympathetic with what has been said, but I would like to change the form of this Motion. Therefore, I beg to move that the Motion be amended by replacing (a) and (b) of the original Motion by the following: "put the Lumumba Institute under the general management and control of the Ministry of Education."

Mr. Speaker, Sir, this institute was established—

Mr. Gatuguta: On a point of order, Mr. Speaker, would it be in order for the hon. Minister to repeat the amendment because we did not hear it?

The Speaker (Mr. Slade): Yes, I think the House has not heard it.

The Minister for Education (Mr. Koinange): Instead of paras. (a) and (b) of the original Motion, we would like to have the following: "put the Lumumba Institute under the general management and control of the Ministry of Education."

Mr. Speaker, Sir, this institute was established under the Trust Deed made on 5th November 1964 by the hon. Mzee Jomo Kenyatta and the hon. Oginga Odinga—

The Assistant Minister for Finance (Mr. Okelo-Obongo): On a point of order, Mr. Speaker, I do not know whether it would be in order for the hon. Minister to make just one more clarification, so that it might benefit hon. Members with regard to the meaning of the terms. There is the word "management" and the word "control". Now, management, as—

The Speaker (Mr. Slade): This is not a proper point of order. Asking for clarification of a Motion or a speech is not a point of order.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, in making that amendment we are not interested in the word "take-over". Secondly, we are grateful to the peoples and the countries which contributed funds to establish and run the institute. The Government notes that this institute has been established with the following objects: to carry out external relations, general principles of socialism, party organization, African socialism, biography of Mzee Jomo Kenyatta, the socialist state and constitution. Having found that, we have come to this conclusion. Assuming that the Trust was established in accordance with the Trustees Act of the Laws of Kenya, Cap. 167, the legality of the Lumumba Institute ended with the establishment of the

Board of Governors, as all other leading organizations do in establishing their educational institutions. They did so following the Education Act, Cap. 210 of the Laws of Kenya. The trustees should register themselves as managers of the school under section 16 of the Education Act, at which point the purpose of the syllabus to be followed would have been determined, accepted and approved. In accordance with section 55 of the same Act, the teaching staff would have been authorized to teach in Kenya by the Chief Education Officer under section 63 of the Education Act, failing which, the teachers of the institute would have incurred the penalties prescribed by section 67 of the Education Act.

Sections 60 and 61 empower the Minister of Education to take over institutions under various conditions, and the Lumumba Institute could have been taken over by the Minister under the same law, but we were not interested in the question of taking over. What we are interested in is to exercise a general management and control, so that that institute would come in line with all schools in this country.

I want to answer one of the points in the objectives, that is, number three: namely, to define, teach and popularize African socialism. I cannot agree that the institute can be relied upon to define African socialism and to accept upon it would imply that the teachers themselves have authority on to develop this subject.

Therefore, the work of the institute would be to study the African societies, how they functioned in the past and how they function at present, and with the published material they can study that and see what can be done. We are interested in management and control, so that the centre can be converted to be a centre of learning to be determined by the Ministry of Education in consultation with the party.

Mr. Speaker, I want to say in conclusion that in making this amendment I am saying that this does not concern only the Lumumba Institute, including it concerns all schools in Kenya, including Heremba schools. I must also say that when it comes to the schools and institutes which are teaching leaders of the party, the Government and the party should actually be scrutinizing what is going on in that institute so jealously that what they know the kind of leaders that are taught they to lead our people. We are not saying anything about the individuals who are there, that is not the point. The real point is that this being an institute where the objective is to train the leaders of the party, the Government and the party should be so concerned that they will

[The Deputy Speaker]

the hon. Member is making an alleging saying that Ministers are implicated, and he knows who the Ministers are, he must say so. If he does not know he may say so and give them later.

The Assistant Minister for Finance (Mr. Okello-Obongo): On a point of order, Sir, is it not so that the ruling of the Speaker in this House is generally final, and is it in order for the hon. Members to say that they want another Speaker instead of the one who is in the Chair?

The Deputy Speaker (Dr. De Souza): No, it is not. Either Mr. Tipis must say that he does not know the names now, and may give them later, or if he does know the names now, then he has to give them. We will now proceed with the debate.

Mr. oje Tipis: I did indicate earlier when you ruled that I give the names later.

The Deputy Speaker (Dr. De Souza): You do not know the names?

Mr. oje Tipis: Not at the moment.

Now, Sir, if my information is correct, the reasons why some officers or Ministers from this Government were barred from visiting the institution, which is supposed to serve their own ruling party, is a question which we want to be told about.

Secondly, Mr. Deputy Speaker, Sir, is this Lumumba Institute a prohibited area, and if so, what type of prohibited area is this institute?

Now, Sir, in conclusion, we want to know whether the Lumumba Institute is a sort of extra-territorial area governed by international diplomacy procedures, and if not then the Government should take it over.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Deputy Speaker, Sir, I would like to declare my interest in this Motion, right from the outset, so that I can proceed with seconding the Motion.

It is alleged, Mr. Deputy Speaker, that in a certain meeting in the Corner Bar Restaurant of this city of ours, under the chairmanship of Mr. Ngala, and I presume under the secretaryship of a Government official in the form of a Minister in this House, the following people attended. The document is with all the Members to read for themselves. Among the people named as having spoken at this meeting, I find my name. With your permission, Sir, I would like to mention what the paper says on my contribution to that meeting. I quote: "J. Nyagah addressed the

Lumumba Institute and said that it was an incredible institution since there were two African teachers." This was according to the record of the secretary. These teachers will teach our African policies on communism. He said that there will be no progress if the Lumumba Institute continues to produce communism. We will be working behind the Members backed in the party. After a lengthy discussion it was unanimously agreed that the Motion be tabled before the Parliament, demanding the Government taking over of the Lumumba Institute and at the same time dissolving the Board of Management. The Motion was drawn up by Mr. Gachago, and will be tabled by Mr. Mbogoh, and the same Motion will be tabled by Senator Koinange in the Senate. I declare my interest in this Motion.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, since the hon. Member has said that his name is mentioned in that document, and he says that his name is J. J. M. Nyagah, then do we accept that it is the right Nyagah or another one?

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

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

The Speaker (Mr. Slade): I apologize for coming back at a rather bad moment. You were raising a point of order on something I did not hear, would you explain it again.

The Assistant Minister for Education (Mr. Mutiso): My point of order is that, before you came in, Mr. Speaker, there was a document which was read by the hon. Assistant Minister, Mr. Nyagah, in which he alleges that he attended a meeting. Now, in the course of his speech he said his name was J. J. Nyagah but the document quotes "J. Nyagah", and I was wondering whether the hon. Member was in order to accept whether it is the same person mentioned in that document, or whether we should believe that he is not that person so that the document does not touch him as he says he has got some interest in that area.

The Speaker (Mr. Slade): I cannot see that that is a point of order. If the hon. Member refers to a document and draws some conclusion from it, or allows other hon. Members to draw some conclusion from it, it is all a matter of the impression the document makes upon the House. I cannot see where a point of order comes in.

Mr. Gichoya: On a point of order, Mr. Speaker, the Member for Embu South has already stated that he has declared an interest in

[Mr. Gichoya]

At the same time, he produces a document and he is not accepting or denying whether he is "J. Nyagah", so we want the House to be directed, Mr. Speaker.

The Speaker (Mr. Slade): The most you are asking for is some sort of clarification from Mr. Nyagah, which is not a point of order.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, may I say that about four minutes of my time has already been taken on this one point.

For the information of the hon. Members I do have a copy of the paper I am referring to. The name "J. Nyagah" is bracketed as Home Affairs. I do not think there is any other hon. Member who is in Home Affairs in this House.

Another thing, Mr. Speaker, in this document it is that the so-called meeting made a declaration. The declaration pledges allegiance to Mzee Jomo Kenyatta; I do not think there is anything wrong with that. At the same time it declared its undivided determination to fight to the bitter end, international communism—I do not think that anyone in this House is against that Mr. Speaker or any other foreign ideology.

Mr. Anyieni: On a point of order, Mr. Speaker, the hon. Member is using a document which I understand is not a signed document. He is using it in the course of his speech. Mr. Speaker, I want to know whether Members later on will be allowed to use the document as a basis for discussion?

The Speaker (Mr. Slade): Yes, of course; if it is relevant.

Mr. Oduya: On a point of order, Mr. Speaker, I remember at one time I saw you, after my hon. friend here, Mr. Masokha had seen you about his document, that we intended to move a Motion relating to exactly what is the document talks about, as being referred to by my friend, Mr. Nyagah. You said that this document, since it is very controversial may be taken up by the President. Now, has it been allowed that we can now use the document as a basis for discussion in this House today? If that is so, make it clear so that we will know what to do.

The Speaker (Mr. Slade): If this is that document which was shown to me on that occasion, I am still waiting to see whether it is relevant to this discussion; but since you have referred to the occasion upon which it was shown to me, I would remind the hon. Member that I recommended that it should not be ventilated in this House until the

Members who were worried by it had discussed it with the President. I had not ruled it out of order at all. Now, any document that is properly produced in a debate is before the House, and all hon. Members can refer to it. Perhaps Mr. Nyagah has already explained how it is relevant in this debate; if not, perhaps he would now.

The Assistant Minister for Home Affairs (Mr. Nyagah): Thank you, Mr. Speaker. I take this opportunity to give this lecture to the hon. Members of this House and all the students of the Lumumba Institute and its masters present.

Mr. Speaker, there is a document which is very appropriate, which outlines the academic programmes and policy of the Lumumba Institute. It is document number 665, of the meeting of the Lumumba Trust Board, which was held on the 22nd, January 1965, at the Lumumba Institute. The document itself lays the course, the scope, the programme, the duration of the course, the personnel and all the other things that are going to be used in the institute.

The first part of the scope is going to be an introductory course on the history of socialism with particular reference to Africa. I would have liked to see, Sir, the Board of Trustees define what socialism they had in mind.

Part two, Mr. Speaker, has got A, B, C, and D. I have no quarrel with "Development for Socialism", but I still have a very big question mark. What are these things known as the "Elements of Political Economy", "Elements of Philosophy", "Elements of State and Law"?

Mr. Speaker, part three talks about a planned course consisting of: (a) Biography on Mzee Jomo Kenyatta, applied course I do not know how this course is going to be applied on the old man; (b) History of political organization in Kenya, climaxing with the victorious Mau Mau under the leadership of Mzee Jomo.

An hon. Member: What is wrong with that?

The Assistant Minister for Home Affairs (Mr. Nyagah): That is absolutely correct but what is wrong with what is left undone is this, Mr. Speaker. If the hon. Members who were returned by Mau Mau which has a constitution which is very much respected, maybe quite a number do not know how the constitution was framed. May I say that those people who framed the constitution under which we were all elected have not been even given a chance, with all their knowledge, to give lectures in the Lumumba Institute. The document, Mr. Speaker, under which we won—

The Assistant Minister for Finance (Mr. Okelo-Obongo); Mr. Deputy Speaker, Sir, on a point of order, in view of the fact that the hon. Member speaking was opposing this Government for a very long time, and we are now under the understanding that this opposition was dissolved, would the hon. Member state what this view opposes?

The Deputy Speaker (Dr. De Souza): If he is referring to the Members in the House, then I do not think he is under any obligation to state who the people are at the moment.

Mr. ole Tips: Mr. Speaker, Sir, I said, and as the hon. gentleman who interjected knows very well that there has been some talk of revolution, and the main question which—

The Deputy Speaker (Dr. De Souza): I think I must make this quite clear that we must not enlarge the scope of this debate too much, otherwise we are going to find ourselves debating a wide range of subjects. We are debating the Lumumba Institute and we want to debate the institute only. We do not want to debate the so-called revolution or anything else. We are opening the door too wide. Just keep yourself to the defects of the Lumumba Institute.

Mr. ole Tips: Well, Mr. Speaker, Sir, the defects of this Lumumba Institute, as I say, is that the sort of training which is undertaken there is very questionable. Of course, the innocent people of this country are bound to ask themselves, why any institute should be allowed to teach subversion in any institution in this country, why this should go on—

Mr. Gichoya: Mr. Speaker, Sir, on a point of order, there has been a very strong allegation made by the Mover that the institute teaches subversion. I wonder whether he could tell us what those subversive teachings are which are taught there?

The Deputy Speaker (Dr. De Souza): I think that is quite right. You have said the subversion is taught there and you must substantiate what it is that you consider that has been subversive.

Mr. ole Tips: Mr. Speaker, what I was going to say was this, and I hope the gentleman will listen very carefully. We must watch against the teaching of subversion.

The Deputy Speaker (Dr. De Souza): What you are saying is that they should make sure that they do not teach subversion.

Mr. ole Tips: Yes, that is what I said.

Now, Sir, if I may continue, I very strongly submit that if the party and the Government which are the same, are part and parcel in this country, must work hand in hand, then of course, I do not see what my friends here are grumbling for, because we are asking the same Government to run 'this institution which is training our party officials and other party workers, unless they have some other ulterior motives.'

Now, Sir, if the Lumumba Institute is to help the Government in consolidating the freedom, it must be put in the hands of the Government, and not only of the Government, but the heads of people who are deeply rooted in the traditions, ideas and practices of this country, not in the hands of self-seekers and importers of foreign ideologies.

Now, Sir, several developments, for the information of my friend, the Member for Mbege-Bassi, have proved to us that the gentlemen running the Lumumba Institute do not satisfy the minimum standards required. For your information, Sir, I will mention only a few. Now, Sir, a few days ago, all the students of the Lumumba Institute were in the verge of going on strike. We are told that some high-up Government officials secretly, but promptly intervened to save the situation. Now, we are told that students wanted to go on strike because they were promised uniforms—

Mr. Gichoya: On a point of order, Sir, the Member says that some top officials from the Government secretly went to the Lumumba Institute and promised students uniforms—

The Deputy Speaker (Dr. De Souza): I do not think I heard the Member say that. As far as I know I heard that students—Order, please. HANSARD will correct me, but as far as I know I just heard him say that students were thinking of going on strike. I did not hear him say that officials of the Government went there.

Mr. Kaggia: On a point of order, in view of the fact that the Mover has said that top Government officials came to intervene, could the Mover substantiate that the Government officials took part?

The Deputy Speaker (Dr. De Souza): I do not think that is the type of allegation that needs to be substantiated.

Mr. ole Tips: If I may continue, Mr. Deputy Speaker, surely my friend here ought to know better since he is the chairman. He ought to know the situation that we want him to tell us to.

Now, Sir, up to now uniforms have not been issued, and of course, we know that the meet-

[Mr. ole Tips] was specifically allocated for the purchase of uniforms. We want to know where that money has disappeared. Now, what we want to know is where this money has disappeared to. Sir, again we are told that two Luo instructors at the Lumumba Institute resigned from the institute because of maltreatment. We are told that there is, in the Lumumba Institute, a very big dictator, a man who is not the principal of the institute, who has been invested with so much power that even he maltreats the principal himself. Now, it is very clear that this dictator is an agent of the vice which is beginning to believe in the way that I mentioned earlier. I say that this clique but foreigners behind it trying to undermine the legally constituted Government of this country.

Now, Sir, the other day the instructors of the institute almost went on strike again in protest against a letter, and we have a copy of this letter if they want it, written to them to the effect that their salaries would be reduced by half. They were also told that they would continue earning these reduced salaries for an indefinite probation period. Now, we want to know, Sir, as well as you do, whether it is not the practice of every good employer to tell his employees, however humble the employee may be, that he should serve for an indefinite probationary period. This is something new, and I do not know where it came from. It is clear, Sir, that these instructors were having (their salaries reduced because certain individuals who exercised remote control on the institute decided to divert some of the funds for other uses not connected with the institute.

It is clear, Sir, from this fact that the administration and management of the Lumumba Institute is falling to pieces, not because we do not have in this country people with proved ability who can run the institute, but because the appointments are made on the basis of political ideologies. Because of this, the institute is run by some fellow travellers and so on, and even youth wingers of some political personalities. We cannot tolerate this state of affairs. We were told that the other day a group of Government Ministers and High Government officials intended to visit the institute. My information is that the principal of the institute was quite willing to open the gates to allow the Ministers to visit it—

Mr. Odhaya: On a point of order, Sir, can the speaker tell the House who this dictator is, because we do not just want the Member to carry on mentioning him if we do not know who he is.

The Deputy Speaker (Dr. De Souza): I think when you are making a serious allegation as the kind you are making, that the Government officials are implicated, you must mention who you are referring to.

Mr. ole Tips: Now, Mr. Deputy Speaker, the dictator, if the hon. Members are interested in his name, is the man they know best, the registrar of the institute.

Mr. Aiyem: Mr. Speaker, I think some time ago in this House, the words such as "stooge" and "dictator" were declared to be extreme words and not to be used in this House. How is it that the hon. Member is allowed to use the words freely without substantiating that the gentleman is a stooge?

The Deputy Speaker (Dr. De Souza): We do want to avoid using such words, but I do think the hon. Member did, in fact, say that word.

The hon. Members themselves asked who he meant.

Mr. ole Tips: Now, Mr. Deputy Speaker, I want to continue on this, because I can see my light is shining.

The Deputy Speaker (Dr. De Souza): You must substantiate who these people are first of all.

Mr. Gatunga: Mr. Deputy Speaker, I think this debate is being interrupted unnecessarily, because he said he understood the services that were there.

The Deputy Speaker (Dr. De Souza): I think it has been explained before to the House that hon. Members cannot make allegations against any person by using the word "stooge". If the hon. Member does not mean it he must withdraw it.

Mr. ole Tips: Mr. Deputy Speaker, I do not think I have anything to withdraw. The persons concerned are well known and I am prepared to give you the names later.

The Deputy Speaker (Dr. De Souza): No, now.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, it is not correct that the Speaker should insist on them now. It is the established practice in this House that a Member asked to substantiate may say that he will do so later.

The Deputy Speaker (Dr. De Souza): If a person is giving evidence on which he is going to base his allegation, that is different. But, if

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receive in various parts of the world, but if they go when they are young, they will just come back and give us hell, and the situation will be even worse than it is now among the Elected Members of this House, some of whom look to the East and some look to the West and this will not help the country. Mr. Speaker, I say this because I am conscious of the future of this country and I have a long way to go and I am trying to formulate a plan whereby the country can be safeguarded and can be stopped being used as a battle-ground of the cold war.

The other issue, Mr. Speaker, which the hon. Member for Trans Nzoia spoke on, was the question of capital money and recurrent expenditure, and he even went to the extent of asking me to withdraw my Motion. Mr. Speaker, when I talk of capital, when I talk of negotiating I am talking in terms of capital, I am talking in terms of recurrent expenditure. These things have got to be taken into account and one hon. Member standing up and talking in terms of recurrent expenditure, is actually trying to discourage the very intention of this country to try and have its own universities. All right, if we say there is no capital, if we say there is no money to meet the recurrent expenditure, then are we going to remain in this position for ever just because we cannot get these things yet? We must try and look for ways and means, whereby we can get some universities built here, but if you are going to sit here and expect Britain, Moscow and Peking to help you for ever, you are dreaming. You never helped them when they were building their universities. I mean, Mr. Speaker, as the hon. Mzee said, he told us that we are not-going to be beggars, but if we are going to sit here and say that because there is no capital, because there is no money for the recurrent expenditure, we have to continue having assistance every day, then you are going to be beggars and are going to be subjected to other devices by foreign countries because you are beggars. You should try and plan for the future. The aim of this Motion, Mr. Speaker is to try and plan ways and means whereby we can stand on our own feet and also provide university education to other countries under a system of cultural exchanges.

Mr. Speaker, Sir, the hon. Member even went to the extent of saying that the environment overseas also helps. I agree that people who come to this country will learn to know more than they would from reading books, but we can read books about Karl Marx. It is not necessary for us to go to Moscow in order that we should know about Karl Marx, as the hon. Mr. Okello-Odongo says. It is not necessary, that in order

to know about Gandhi, you must go to India. You can read about Gandhi here. It does not mean that if you go to India, even if you are an Indian you will necessarily learn more than about Gandhi. You can read it all here and know about Gandhi even better. There are people, Mr. Speaker, Sir, who are in this country, or who have been to this country, who have written books, and sometimes I am surprised because they know more than I think they do. So in order to learn something does not mean that you have to go to that country. That was very shallow reasoning, Mr. Speaker, Sir.

The other issue, Mr. Speaker, Sir, if I may come to the question by the hon. Agar who was talking in terms of atomic and medical facilities, is that I know that we do not have these things, but we want to have under-graduates and have them graduating here locally and then they go on for post-graduate education; that is what I mean, because we know that we do not have the equipment in this country. Then they should go to those countries who have the full equipment. So that, Mr. Speaker, Sir, cancels the reasoning of the hon. Member for Karachuonyo.

The other issue Mr. Speaker, Sir, is on the point made by the Assistant Minister for Education, when he said that it was totally impossible to build our own university. This, Mr. Speaker, Sir, is something very discouraging. No Government, worthy of the name of Government, should come and confess to the public and in this very House, that it is totally impossible to build these universities in this country. It is very discouraging. Also the people must be very disappointed when they read this in the Press that the Government has confessed openly that it is totally impossible to build universities in this country. I challenge the Assistant Minister that we are here to help him to try and build these universities because we are getting so many students who want to go to university and if he carries on talking of it being totally impossible, when he knows very well, Mr. Speaker, Sir, that very few people go for these overseas scholarships. It is very disheartening to the enthusiasm of the young men who are trying to get higher education and all they hear is the Government confessing that they cannot do anything. I was talking about Uganda, Tanzania and Kenya, but I suppose the Assistant Minister for Education did not take into account what I was talking about. I was talking about East Africa, and not Kenya as a talking about East Africa, and not Kenya as a country. All these three countries, Uganda, Kenya and Tanzania actually, if they so decided, could build universities here by negotiating with all the countries of the world to try and help

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us to build our own universities, in order that we may be able to stand on our own feet. But, if we have the Government throwing up their hands and saying that they can do nothing, then this is very discouraging indeed; and I am ashamed of my Government. Mr. Speaker, Sir, I am ashamed of my Government.

The other thing, Mr. Speaker, Sir, the Assistant Minister embarked on a list of expending, reading us thousands of pounds and so forth. This is to confirm his own ignorance and the short-sightedness of what the Government is trying to do for the people of this country of East Africa as a whole.

With these remarks, Mr. Speaker, Sir, I beg to move. I am ashamed of my Government.

(Question of the Motion as amended put and negatived)

MOTION

GOVERNMENT TAKE-OVER OF LUMUMBA INSTITUTE

Mr. ole Tiplis: Mr. Speaker, Sir, I beg to move.

THAT this House, while being grateful to the donors of the Lumumba Institute, urges the Government to—

- (a) take over the Lumumba Institute immediately and place it in the hands of the Minister for Education like any other education institution;
- (b) dissolve the Board of Governors of the Lumumba Institute, and give the Minister for Education and mandate to appoint a new board consisting of persons who have no political commitments.

Now, Sir, I would like to make it very clear from the start that the sole intention of bringing this Motion before the House is to repair any damage which has been done as far as the management and the running of this institute since it was established before the damage has gone beyond repair. Of course, I believe that hon. Members will have time to ventilate their views because we want to build on a concrete foundation and not on any sandy ground.

Now, Sir, I would like to say that the Lumumba Institute was established to help the ruling party, that ruling party being Kanu, to train its officials in matters like techniques of party organization and also generally to help the party to cultivate a proper and constructive

functional relationship between the party and the Government and the people of this country in general.

Mr. Speaker, Sir, this means that the Institute should work very closely and in close contact with the Government. It is my humble submission, Mr. Speaker, Sir, that this has not been so, so far. Mr. Speaker, Sir, the cause of this, if I may say so, is that the Lumumba Institute has been very heavily infiltrated by, if I may call them so, a clique of professional infiltrators to the extent that these people run the institute entirely on their own with no check, no supervision, and God knows what is taught there.

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

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

Of course, they have the sole responsibility of who should be admitted to the institute, and of course, they do almost everything practically in a way, whatever they wish, to fulfil their aims and objects which are well known to all of us here in this House.

Now, Mr. Deputy Speaker, Sir, if I may continue. These people that I call professional infiltrators are the same people who are now trying to ask me to tell them who, in this House and outside this House, have been the main opposers of our Government. They ought to know themselves. Mr. Deputy Speaker, Sir, in spite of speaking of peace—

The Deputy Speaker (Dr. De Souza): Are you opposing the Government or are you speaking on the Motion? You have to state your reasons for demanding the taking over of the institute and not on the opposition of the Government.

Mr. ole Tiplis: Mr. Deputy Speaker, Sir, I think I was leading up to a point. They tell me to tell I am, and this is what I was telling them. If I may now continue. In spite of speaking of peace and co-operation, we have heard them speak in most cases of anger and some kind of foreign ideology. This clique, Sir, is doing its best to capture all the instruments of power in this country for reasons well known to all of us here.

Now, Sir, I do not think for one moment that it is right to entrust them with the whole responsibility of training party officials and the whole responsibility of mass political education.

It is for these reasons that we are now debating the Motion before us. Since they talk of the revolutionaries all the time, they talk against the Government all the time. We want to know the main question now. We want—

The Speaker (Mr. Slade): If you want to propose such an extensive amendment, I shall have to have it in writing, I am afraid, before I can take it. But if you would just like to propose that the word "instead" be left out, I think you would get your meaning and I would not need to have it in writing.

Mr. Wamutheny: That is what I mean. So I am seeking an amendment which will mean that the scholarships should be continued while the donations are being made. So, Mr. Speaker, I am seeking for this Motion to be amended for the continuation of the bursaries while the donations are being asked to be given continuously; both scholarships and donations for the building of universities in East Africa should continue on the same level.

Mr. Speaker, I know there are some difficulties in our own country when we send some children, who are immature, to other countries. Some of them when they go there at sixteen or seventeen years of age, do not know what they are doing and what their country needs. If we can get children to study here in Kenya, as well as in other countries, probably when their friends come back they can help them, while they are working together, to show them what are suitable ways of African life; but some of the children go overseas very young and when they come back here they do not know the African way of life.

So I beg to propose an amendment to leave out the word "instead".

The Speaker (Mr. Slade): I think to make it quite clear you want to put in the word "also".

Mr. Wamutheny: I hope that my amendment will be accepted by the Mover.

So I think even if we say that we want our children to go to other countries to study their ideologies and cultures, we also would like to see many people from other countries coming here to study our culture and ideologies.

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

The Speaker (Mr. Slade): Now there is only a minute to go before the Mover has to reply, but we have to deal with this amendment; if anyone seconds it. If anyone does second it, it will be only formally; I am afraid. The actual proposal by Mr. Wamutheny is that the word "also" be substituted for the word "instead" in the last line of the Motion. Will anyone second that formally?

Dr. De Souza seconded.

(Question of the first part of the amendment; that the word to be left out be left out, proposed)

(Question of the first part of the amendment; that the word to be left out, put and agreed to)

(Question of the second part of the amendment; that the word to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment; that the word to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Shikuku: Mr. Speaker, Sir, I must thank the hon. Members for whatever contributions, be they destructive or otherwise, they have so far made. But I think there is a very serious misunderstanding and this has been because most of the hon. Members who have spoken so far were not in this House when I was speaking and they rush in this morning looking at the Motion and going on blowing hot air without having any background knowledge of the intentions of the Motion at all. Nevertheless, Mr. Speaker, I do not regret that because I am only putting forward ideas that are in front of the noses of the hon. Members. They see only the near future and I am thinking of long-term policy as far as education is concerned. The Assistant Minister for Education has no policy for educational progress in the country, even for the Harambee schools. He has no policy at all. But his Ministry and all other Ministries in the Government can encourage the building of the Harambee schools, but when it comes to the question of trying to find teachers they jump up and say it is the responsibility of the people concerned.

Mr. Speaker, the Motion as it stands is very clear and simple. I was not trying to imply that we should not send any more students overseas, but what I was trying to do was think in terms of turning out as many students with university education as possible in this very country. I remember, Mr. Speaker, when I was attending the Second Commonwealth Relations Conference in Delhi recently, it was even raised by the Pakistan delegation and seconded by the British delegation at that conference that the question of overseas scholarships within the Commonwealth countries should be encouraged, but at the same time we must be careful with students from those under-developed countries who, after completing their studies in a developed country, stick to that country, because they do not want to go back to their home countries because they are paid more in the developed countries than the under-developed countries they come from. As a matter

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of fact, Mr. Speaker, they suggested that there should be an understanding between the developing countries and the developed countries to the extent that, when we send our students overseas, we must agree that, after their studies, they must immediately be asked to come back to help the developing countries, but so far there is no registration and, as a result, there are a lot of students overseas who have even got married there and they do not wish to come back and these Governments who have offered them the scholarships have no power to make them return.

Mr. Speaker, I was trying to get into the heads of these hon. Members here was that we have the scholarships there, but now let us talk and negotiate. I was not talking in terms of refusing an offer and telling the countries who are offering these scholarships to take back their own students because we do not want them. This was the insinuation made by the hon. Assistant Minister for Education, when he said that we turn down the offer and ask for the money instead. This is not the intention at all. We are talking in terms of negotiations. We can negotiate with every country in the world to see how much money they want to offer us. If they give us this money to build schools, we can also negotiate to get the equipment for those universities; we can negotiate to get the teachers, so that when we send our children to be taught they will have the teachers down here; and some of our children can visit other countries in many other parts of the world. As he knows, I have travelled quite a lot. I have spoken to a lot of people and they say that they are prepared to give us the teachers here to teach our children in their own environment and raise them with the life inside this very country. I reckon, Mr. Speaker, one of the Members for Karachuonyo, said that the Education Department should be careful in selecting the students who go overseas because if they select the young and the juveniles, they will go there and soon become brain-washed and come back useless. I was thinking of this when I moved this Motion. He is supporting my ideas. We would like to have our students go for post-graduate education, after having graduated here, locally, they can go abroad for post-graduate studies. If you send a student of sixteen years of age of eighteen years of age, this man or that particular young lady has not seen anything. I do not mean to say that the young man should not see any country besides their own country, but they should go at the right age. That age is after

graduation here, they can go for their post-graduate education.

Mr. Speaker, I am very surprised to find that some of the hon. Members could not face facts and support the Motion, but, nevertheless, they will find that the hon. Shikuku was right just as they have found now, and some of them are feeling that it was right in sticking to my guns by saying that the one-party system will never work in Kenya and they are feeling it now. Mr. Speaker, this short-sightedness of some hon. Members is surprising. I always think ahead of them. They will come to this very thing later on.

One of the hon. speakers said that if it meant asking every country to build universities, we will have an American university over here, a Russian university in another part of Kenya and a British university somewhere else. This shows how limited the reasoning of this poor hon. Member is, and to make it worse, Mr. Speaker, he is one of the people who has been out of this country and in various universities. I do hon. Member is the hon. Mr. Okelo-Okongo. This does not mean that the British should come and build a university in the Western Region, or that the Chinese should build a university in Kiambu, Bando or in Machakos and so on and so forth. All that I mean is that we should negotiate with these countries and see how much they are prepared to give us, and then try to use this money to build our own universities and get the teachers and equipment from them because we are young. But if we are not going to have these ideas in our minds and we depend on sending our students overseas and, at the same time, the Assistant Minister says we should have cultural exchanges, having people come here to learn what we are doing, how will they come here when we have no universities? Does this not show that the Assistant Minister's imagination is limited? We must build our own universities to get the students from Moscow, Peking, Russia and any part of the world to come and learn here so that they can learn about us, the way we live and so forth, and then have our students going to their countries, but we cannot do so unless we have our own plans here to build more universities in East Africa in order to get these people to come here.

Now the question of indoctrination. Mr. Speaker, I did not mean that it should be one of the things that should stop us from sending our students overseas at all. I said that if these students were mature, after graduating locally, they will then know what they are supposed to do. They can do there even if they are indoctrinated, and they will not be subjected or completely bogged down by the indoctrination they

[The Assistant Minister for Education] the opinion of this House that this Motion should be totally rejected.

Mr. Speaker, if I may proceed, I would like to inform the hon. Member, the Mover of this Motion, that when he was moving his Motion he did indicate that it was very important that the Kenya Government should embark on a scheme of negotiating with the foreign governments which have offered the Kenya Government scholarships, with a view to diverting those scholarships to establishing a university in East Africa.

An hon. Member: Universities.

The Assistant Minister for Education (Mr. Mutiso): All right, universities.

Now, Mr. Speaker, this is totally impossible, because I cannot imagine how the hon. Member will think when we are offered generous scholarships by foreign and friendly governments and we go to these governments and tell them, "Now gentlemen, we think you must not use these scholarships in this way. We feel that instead of giving us scholarships, you should instead give us some money to build universities." Now, this, Mr. Speaker, is very wrong, because an generous offer is a generous offer, and it all depends on the person who is offering or giving that gift, and you cannot dictate, and tell him that he is going to give us something we want it used on these lines. I think this would result in us losing the offers and the scholarships as a whole.

Therefore, Mr. Speaker, I think the hon. Member was not aware of how much it would cost to establish a university. That is the first point. The second one is that the reasons why the students go overseas are not mainly for academic education, and there are other factors which are connected with the reasons why the students go overseas. One of them, Mr. Speaker, is that there are some human curiosities and I am sure the hon. Member has himself testified them, because here in this House and also in the Parliamentary Group, I have heard several hon. Members alleging or claiming that they have never been given opportunities to go overseas. Now, why should they want to go, Sir? These are grown up hon. Members and they have seen a lot of the world, and if they, as hon. Members, could even feel that they still need sometime to go overseas, and see for themselves the work of the Russians, see Russian communism, or see the American capitalists, or Britain and see the British way of life, how it would be to young pupils who have just finished their School Certificate, or have just completed their K.P.E.? Their curiosity is much

higher than that of the hon. Members, and I think this is one of the points why the scholarships are offered.

There is also, Sir, another point, and that is that scholarships are also offered so that we could, as a Government, establish a good relationship between that very Government and our own Government, and this, Mr. Speaker, is a practice which not only the Kenya Government has, but several other governments have because the independence of any country, so that there is what we call the cultural exchanges where a government offers some scholarships purely for the purpose of letting those people from that particular country visit another foreign country and see the life, see the people, learn their day-to-day life, and know more about the particular country. This, Mr. Speaker, is a practice which we, as a Government, cannot afford to lose.

The other point, Mr. Speaker, is the question of the difficulties which this country cannot afford to have. Why we have such scholarships is because in Kenya or in East Africa, although we have one university, as one hon. Member just said, there are certain difficulties which this country will remain unable to deal with for a long time to come, and I think, Mr. Speaker, this is the point which perhaps the hon. Member was not aware of, and the Government is not prepared to accept his views that these scholarships should be diverted into building a university, or universities, in East Africa.

Now, Mr. Speaker, for the information of the hon. Member and the House, I want to tell the House how much, our own University of East Africa, costs the Kenya Government to run for about a period of three years.

For example, Mr. Speaker, the University College of Nairobi Development Plan for the years 1963 up to 1967 amounts to this. The capital expenditure, say, of putting up halls of residence for about 400 students is £140,000, and housing for senior members of staff, not more than forty tutors, will cost £40,000; housing for junior staff costs £60,000. One faculty alone of engineering costs the Government £275,000.

Mr. Speaker, if I enumerate all the expenditure which this Government incurs, from only this branch of the University of Nairobi, it will amount to £968,000. This must be compared with the money the students receive when they go overseas on these offers, which in one year is only £240,000. This, Mr. Speaker, shows very clearly that it is impossible to establish a university; building, let alone undertake the

[The Assistant Minister for Education] recurrent expenditure. But it is equally impossible to maintain it and staff the university and also put in all the equipment which is needed for a university.

Therefore, I think the hon. Member who moved this Motion was not quite aware of the difficulties, the impossibilities of establishing a university for a young Government like Kenya alone. Even if we take the three East African territories combined together and decided to build a second university, this would take something like ten years, it is not so easy to establish a university. So, Mr. Speaker, I think, as I said earlier, the question of diverting the scholarships which we are so generously offered by foreign governments to a university, will never be accepted by the Government.

Since most of the points that I could have made here have been made by other hon. Members, I do not want to take much time of the House, but I would state that the system of accepting scholarships from overseas, from foreign, friendly governments will continue, and we hope that when circumstances will be in a position to offer similar scholarships. Our Government, too, will act accordingly, so that those other governments who have in the past offered the Kenya Government these scholarships will have the opportunity of coming to Kenya and also learning something about the Kenya people, to see our life, our beautiful country and visit our national parks, because I am sure, as one of the people who have travelled quite widely in Europe, that many children of the present generation have not seen animals who live naturally in the forest, but they only see them in the zoos, so I am sure most of the young generation of European countries and Asian countries would be interested to come to Kenya and visit our national parks to see our lions, giraffes, crocodiles, and other animals.

Therefore, Mr. Speaker, the Government feels it is quite unable to accept this Motion on the grounds I have stated and so, not wanting to take much of the time of the House, I beg to oppose the Motion.

Mr. Wamuthenya: Mr. Speaker, Sir, I rise to speak on this Motion, but I see that there is some misunderstanding between the Mover and the hon. Members. The Mover stated that he would like donations to be given for the building of universities, but he did not say that he would like scholarships to be stopped. What he meant was that we cannot always afford to send our children abroad, but we should start our own universities here, whether they will be on a minor

scale or will advance rapidly. But he said that whilst the children are going abroad for further studies, we should also ask those people who have been very generous to us, to give us some assistance to start our own universities here.

The Speaker (Mr. Slade): Mr. Wamuthenya, we must keep to the terms of the Motion, and the Motion does say "to devote their funds instead to the building of universities".

Mr. Wamuthenya: Probably I was misled by my reading, Mr. Speaker.

The Speaker (Mr. Slade): I do not want to interrupt you, but the debate has to be restricted to what the Motion says, unless you would like to propose an amendment.

Mr. Wamuthenya: Of course, he does not say that the children should be stopped from going abroad. He says that they have been generous in giving us scholarships and he seems, in my opinion, to say that the children should go for further studies to other countries, but at the same time we should be given donations to build our own universities.

The Speaker (Mr. Slade): The word "instead" does not mean "at the same time". If you would like to propose an amendment that the word "instead" be deleted, you can do that.

Mr. Wamuthenya: If my speech is not following the Motion, I think it should be amended to such, because there is a misunderstanding here. I am not disregarding your ruling, but he does not also say that the children should be stopped from going.

The Speaker (Mr. Slade): If you like to move that the word "instead" be left out, you can do that. I will not require it from you in writing.

Mr. Wamuthenya: I beg the Mover to say that the children should continue to go overseas and, at the same time, we should be given donations to build our own universities.

The Speaker (Mr. Slade): You can move it yourself, you can move an amendment that the word "instead" be left out of the question.

Mr. Wamuthenya: Instead we should say, "That this House urges the Government to negotiate with those countries which have so generously assisted in educational programmes by making available scholarships and have provided youths at their universities and have provided transport for the purpose, to devote their funds instead to the building of universities in East Africa and also in the meantime to allow our children to continue to go to their universities."

[The Assistant Minister for Finance] within the political arena, because, after all, that is what the student went there for. You do not go there to read the Bible, that can be read anywhere here. This is not confined to students in that area only. Personally, when I spent some time in India as a Government of India scholar, we spent a lot of time and there are a lot of my colleagues here, studying about Gandhism. We did not call this indoctrination. There would be no point at all in going to India and returning to this country not knowing what Gandhism is and why he was so honoured by these people.

So, Mr. Speaker this is a point that we have to realize and accept, that this is one of the most important values of studying abroad and why students continue to study abroad. Another important thing to remember too, is that those who go abroad must be mature enough to be able to learn things and to be able to see things with the required amount of detachment and objectivity so that they can learn and compare it with their own country. To this extent, there is a time when one is always interested in religion. As a Christian I did not find it wrong, to read for instance, the Koran and I also read about Hinduism, the principles of Hinduism. I also have tried to read about Annimism, the religion that was practised in Africa before its contact with Europe and Asia and the religion that is still followed by some of our mothers and fathers even today. We have to read all this in order to know what we are doing so that we can have the correct perspective and this is a point that those people, who select students to go abroad should always see. These students who have come back have demonstrated that they are either incapable of learning with an adequate amount of detachment, so that they make use of the knowledge that they have gained abroad. They were probably able to do that they failed and some people wanted to feed them propaganda. If these people have not been mature enough to fulfil these purposes, then they ought not to have gone abroad in the first place.

My personal view is that people should be in a country for not less than two years with the hope that they will be more mature after that and be able to benefit from the foreign education, and those who are incapable should not be allowed to go anywhere. Mr. Speaker, Sir, I think that this is an important point and therefore I would like to conclude by saying that this question of our saying that the students should only learn in their own country and not go abroad would be a very narrow policy, and they would not benefit from this at all. We have

to understand the world and see how they live. We have to learn and I would say that any Member here who has not read *Dust of Earth* and does not know anything about scientific socialism should not be here. After all, what is freedom in education? Education means that we should be able to learn and read about all other things, detachment in objectivity so that you can make up your own mind and decide what would be good for your country.

With these few words, Mr. Speaker, Sir, I try to oppose the Motion.

Mr. Muliro: Mr. Speaker, Sir, I rise to speak on this Motion with a clear mind of opposing it. The very nature of university education is to learn and to study anywhere in the universe, not to be confined in one place and being indoctrinated in a given direction with blinkers on your eyes. I cannot see how the hon. Member for Butere would like to achieve this. In the first place, running a university is not only a question of capital money to pay the bill, but a question of recurrent expenditure. Recurrent expenditure is a very important aspect in education. Therefore, even if the Americans or the Russians or the Chinese or the Ethiopians, or the Indians, who give bursaries to Kenya would say, "all right we give you some money to build a university", but there are no countries in the world which act as a charitable institution to another country. They would not come to Kenya, Sir, to maintain their universities, but we can never deny Kenya citizens from acquiring knowledge wherever it can be offered. If we could get two students to Poland for education in technology, we cannot tell the Polish people to come and build a school here for its own technical students.

The other point, Sir, there is a saying by the English people, "Never look a gift horse in the mouth." Now, if some countries give us bursaries for our students to go where we do never criticize this country and say that we do not want our students to go to your country, we want to get the money to build an institution in our own country. It is impossible.

Mr. Speaker, Sir, another point which I would urge the hon. Member for Butere in withdrawing his Motion to take note of is, Education does not necessarily mean classroom work. One can read a lot of books but one can get better education by environment, the conditions where he finds himself, the experience itself be gained by being abroad is by far much more valuable than a university degree in his own homeland. The hon. Member for Butere has been outside this country. He went in order to see the world to gain further experience other than local

[Mr. Muliro] experience. So, Sir, I find that the experience which one gains by contacts, by intercourse, with other parts of the world, this in itself is better education than even the local products which are confined here. These, Sir, are the views to which I hold very strongly and anyone who says that the people going outside are going to be indoctrinated in certain attitudes, are being very narrow-minded.

Mr. Speaker, Sir, I was educated in Fort Hare University in South Africa. They taught the philosophy of *apartheid* there. I never became a part of this. I do not discriminate, simply because I was in South Africa, but if I believed in the philosophy of the South African, then I would never have taken the immediate step, on arrival to join Kenya politics in order to fight for the liberation of my own country. The philosophy there is the humiliation of a black man, but it never humiliated me. I say that human beings are human beings, and if someone goes to Russia or America and learns about their theories, he has to come back to Kenya here and see how he can adjust the knowledge which he has acquired to the best possible interest of our country.

Therefore, Sir, with these few remarks I categorically oppose this Motion.

Mr. Agari: Mr. Speaker, Sir, I also vigorously oppose this Motion moved by the Member for Butere. As Members have exhausted the need for our students to go overseas, I only need to add that it is the establishment themselves in these universities, especially the technical universities, medical colleges, we may not be able to establish any kind of institution which will give all the facilities for a student to learn from. You will not be able easily to erect an atomic laboratory here. So, Sir, it is still necessary, and it will remain necessary for a long time for African students, from Kenya, to go overseas and learn in the old established universities.

Mr. Speaker, Sir, even by getting foreign money and establishing universities here, we shall still need their teachers and technicians and nobody can say that it is less expensive to keep them here than to send the students over there. So, Mr. Speaker, Sir, we cannot interfere with the others that are being given to us. We cannot ask these people to change their mind. Today, the world is becoming closer and closer together and there is more need even to contact the people of the outside world. Mr. Speaker, Sir, a lot of harm was done in the minds of Africans during the colonial rule, in that many

Africans have grown up in the environment which makes them believe that there is certain superiority in European or some other known foreign races, who were formerly the rulers here. It is good for African students to go and mix and learn together with European students and whenever possible beat them and lead them in class, so that a person can come back with full confidence, and become better liberated so that he can fit in well with the new Kenya.

Mr. Speaker, Sir, we would also like to emphasize the fact that there are a number of things in other countries, certain cultural values, certain customs and certain special environments, which a person only gains on the spot. We know there are rich cultures, full cultures in Asia, and there are a number of valuable cultural aspects of life in Europe, America and in as far as we want to enrich the minds of our people and the minds of our students, it is good that we shall continue to send our students to seek for further scholarships so that we get people who have opened their minds from various cultures from various parts of the world. The question of indoctrination does not come into this.

Mr. Speaker, Sir, as the hon. Mr. Okello-Odongo expressed this, the only thing needed is that Education Department should be careful in selecting students to go overseas. I do not see the need for sending students for high school education. I do not see the need for sending juveniles, or young boys overseas for high school. We wish to see that the African boys or girls here get a good foundation of the background of African education and life, and personality, so that when they go out there properly rooted as an African. Then, from there he can learn and he can borrow from someone with a mature mind. It is harmful to send younger boys who go and become Europeanized, or Indianized, and then when they come back it is difficult for them to stay here. So, this is the only warning that we give to the Ministry of Education, that whenever they are selecting these students they should consider this very seriously.

So, Mr. Speaker, I oppose the Motion.

The Assistant Minister for Education (Mr. Muliro): Mr. Speaker, Sir, I rise on behalf of the Government to reject this Motion; because if there was a Motion which was brought to this House under which the House had decided to reject totally, I should imagine this is the Motion, the views about this Motion have, very ably, very clearly stated their points of view, and it is

[Mr. Bonetti] one sixty-foot pontoon which has been undergoing repairs and which is already cutting down the traffic delays.

The Speaker (Mr. Slade): Is there anyone here yet from the Ministry of Health or the Ministry of Commerce?

Mr. Nülle you can ask your question.

Question No. 2031

CAUSES OF TROPICAL ULCERS

Mr. Nülle asked the Minister for Health and Housing if he would tell the House the causes of tropical ulcers which were prevalent in the Machakos District and would he further tell the House what steps his Ministry was taking to stamp this out.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, on behalf of the Minister for Health and Housing, I beg to reply. Tropical ulcers are caused by dietetic deficiencies and my Ministry, in conjunction with the Ministries of Education and Agriculture, are teaching the people, and in particular school children, to eat a well-balanced diet. Educated members of the public should help the Ministry in this campaign.

Mr. Mallada: Mr. Speaker, arising out of that answer, what ingredients in the diets of our people is lacking, which causes these ulcers?

Mr. Odero-Jowi: Mr. Speaker, I think it is mainly protein and vitamin ingredients.

Mr. Chage: Mr. Speaker, I would like to know from the Assistant Minister what the Ministry is doing, apart from teaching people, to give people assistance in order to get rid of disease?

Mr. Odero-Jowi: Mr. Speaker, the problem of eating a balanced diet is partly a problem of education. When people are well-educated they know what balanced diet is, they will naturally take to it, and so I have pointed out that the Ministry of Education is joining us in this campaign of education.

Furthermore, in conjunction with UNICEF, this Government is training dietetic experts to help schools and women's groups to improve their food.

Mr. Mallro: Mr. Speaker, would the Assistant Minister not agree with me that people with lower incomes could not afford a balanced diet? Therefore, it is a problem of income rather than education?

Mr. Odero-Jowi: Mr. Speaker, I think it is primarily a problem of education, but I also agree that where there are low incomes what might be the balanced diet that they can afford will not be the best available.

Mr. Malinda: Mr. Speaker, arising from that reply, and in view of the fact that these days science has discovered forms of balanced diets in the form of tablets, will the Ministry consider seeking assistance from an organization such as UNICEF to supply Ukambani with sufficient vitamin tablets to assist people from getting these ulcers?

Mr. Odero-Jowi: Mr. Speaker, there is enough vitamin and protein element in the food grown in this country.

Question No. 2032

TOMATO CANNING FACTORY FOR MACHAKOS

Mr. Nülle asked the Minister for Commerce and Industry if in view of large quantities of tomatoes in Machakos District the Minister was prepared to establish a tomato canning factory at Machakos Township?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, on behalf of the Minister for Commerce and Industry, I beg to reply. There is already one canning factory in Machakos and in spite of what the hon. Member says, the factory is not operating at full capacity because of the inadequacy of the right kind of tomatoes in the area. Last year, Mr. Speaker, for example, the factory obtained only about 150 cases, or about four tons, of tomatoes suitable for canning. This therefore, Mr. Speaker, means that the present quantities are not even enough to keep the already existing factory running at full capacity and, in these circumstances, there is no need for the establishment of another one.

Mr. Mallro: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that there is an inadequate amount of tomatoes in Machakos to warrant a second factory, would the Minister consider discussing the problem of intensified tomato production with the Minister for Agriculture so that there are enough to engage this factory's production?

Mr. Mutiso: Mr. Speaker, Sir, although the Minister for Commerce and Industry as well as everybody else should be interested in encouraging people to plant tomatoes, I think this is entirely the duty of the hon. Member, as a Constituency Elected Member, to tell an adequate number of people to plant tomatoes.

Question No. 2000

The Speaker (Mr. Slade): Is anyone authorized by Mr. Rurumbira to ask his question? We will go on to the next Order then.

MOTION

FUNDS FOR BUILDING UNIVERSITIES IN EAST AFRICA

THAT this House urges the Government to negotiate with those countries which have so generously assisted in educational programmes by making available scholarships for Kenya Youths at their universities and have provided transport for the purpose, to devote their funds instead to the building of universities in East Africa.

(Mr. Shikuku, on 23rd April 1965)

(Resumption of Debate Interrupted on 23rd April 1965)

The Speaker (Mr. Slade): On this Motion, I think I am right in saying that we have already had thirty-three minutes, which means there are fifty-seven minutes still to go.

Mr. Njijjo, was speaking but he is not here.

The Assistant Minister for Finance (Mr. Okello-Odongo): Thank you, Mr. Speaker, Sir. I would like to take a few minutes to speak a little on this Motion here, which was brought by the hon. Member, Mr. Shikuku.

Although the hon. Member is quite clear in what he wants, namely that the countries that are assisting us by offering scholarships should be asked to aid by building universities in East Africa, one thing however he did not make clear was what type of aid this was going to be. Whether the hon. Member meant that these foreign countries that are assisting us now should build the universities here and run them or whether he meant that these countries should give us the finance and we then would use this finance for building universities. This point was not made very clear by the Mover of the Motion; but in any case it seems that I am opposing it because the two ways that are suggested will not be practical. In the first place, if these universities were to be built here by foreign countries that would mean that they would run them also in this country, so that there would be a situation where a set of universities are being run by America in one part of the country, another set by the Soviet Union in another part, and another set by Western Germany in another part. This would be quite

impossible. You could not have a country being run like this and this type of suggestion could not be possible here. Now, on the other hand if you ask the foreign countries to come and just give us the money so that we build the universities here, this again becomes impossible because we are only on the receiving end and we must know the reasons why scholarships for studies abroad are offered.

We have to realize that many countries offer scholarships not only for academic studies but so that the students that come from foreign countries can go to those countries and learn about those countries and the culture of those countries. As a matter of fact, you will find that the Government of India, when it first gave scholarships to East African countries—and these were the first scholarships that we ever got here as far as I can remember—called these scholarships "cultural scholarships" which really describes what they are: that students from this country should go to study in other countries in order not only to learn the academic subjects they want to learn, but also to learn about the people, their culture, their systems and so on. This kind of thing we could also do later on when we are sufficiently united, and when we have the facilities our Government will, and as a matter of fact has started. In future, our Government will give more scholarships to foreign students to come to Kenya to learn not only academic subjects, but, most of all, to learn about African socialism. This is what we are looking forward to. This being the case, this kind of thing has been approved and people take advantage of it because when an individual learns about another culture he becomes broad-minded. Also it is hoped, and even in the international world this is encouraged, that when we can learn about the Indians or about the Chinese or about the Americans or Russians, etcetera, we will be able to understand their culture and we will be able to make friends there and this will promote international peace and international co-operation, which is one of the aims of all the peoples today is to get an understanding between different people by knowing them and understanding them.

Mr. Speaker, in this connection, it would be quite relevant to mention, for instance, what happened to the students who returned to this country from the Soviet Union. These students complained that they were being indoctrinated with Marxism, but I cannot see how a student can go to the Soviet Union and come back here without learning about Karl Marx or without studying the socialist patterns of the economy or even how it functions within the society or Germany in another part. This would be quite

Friday, 30th April 1965

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 2035

AMOUNT OF MONEY LOANED TO KENYA

Mr. Ngala asked the Minister for Finance— if the Minister would give the amount of money Kenya had borrowed from the United Kingdom, West Germany and United States of America respectively since 1st July 1963 to 31st March 1965, and what amount during the same period had been borrowed by Kenya from China, Russia and East Germany respectively?

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to reply. The British Government has loaned £14,834,000, West Germany £1,903,909 and the United States nil, China nil, Russia nil, East Germany nil.

Mr. Ngala: Arising from that reply, Sir, why has the Minister not made any contact or failed to get any assistance from Russia or China? Is it because the Ministry is one-sided, or is it because we are not getting any response?

Mr. Okelo-Odongo: As this House knows, China already gave us a grant of £1,000,000 at one time, and we have negotiations going on at the moment with the Soviet Union in terms of loans and aid in various aspects. Negotiations have been concluded which it is hoped will secure loans from Russia for certain projects. In addition, the Russian Government will be providing hospitals and equipment for a technical school as a gift.

Mr. Ngala: Arising from that reply, Sir, does the Assistant Minister not agree with me that some three or four months ago we were told by the same Ministry that negotiations had been finalized over hospitals, an irrigation scheme for Kano and a canning industry. Why have these not been put among the things that have arrived from Russia?

Mr. Okelo-Odongo: Mr. Speaker, Sir, when I said that negotiations were taking place for Russian loans and aid with regard to certain projects, the Kano Irrigation Scheme is certainly included and these other industries that we are looking forward to, but as I said, the negotiations are more or less complete but experts are doing

the feasibility studies and, as soon as these are completed, it is hoped that the Kano project will be started immediately. As far as the other things are concerned, as the gift is concerned, it is just a question of completing the last details.

The Speaker (Mr. Slade): We are not really concerned with gifts or other forms of assistance. This question relates to loans.

Mr. Ochwanda: Mr. Speaker, Sir, some time late last year or early this year, it appeared in the Press that the American Government had accepted to lend the Nairobi City Council some money for the development of Saana Dam and I understand from the Assistant Minister's reply that America has given us none. Do we understand that it was not a loan, or was it a grant that the American Government had given the Nairobi City Council?

Mr. Okelo-Odongo: Mr. Speaker, Sir, it was a grant.

Mr. Anyieni: Mr. Speaker, Sir, as the United States is such a rich country, would the Assistant Minister tell us why the Kenya Government has not so far secured any financial help from the United States and is only seeking help from the United Kingdom?

Mr. Okelo-Odongo: Mr. Speaker, Sir, when the Kenya Government is negotiating for loans, we have to consider the terms, the strings attached and terms of repayment. Most of the countries insist that when you take a loan from them that you have to buy from them and this is sometimes difficult, especially when there are no local arrangements for disposing of such equipment.

Mr. Mallinda: Mr. Speaker, Sir, arising from an earlier reply by the Assistant Minister when he said that Kenya has obtained £1,000,000 grant from China, is the Assistant Minister prepared to tell this House how much in the form of grant we have received from United States and East Germany?

Mr. Okelo-Odongo: Mr. Speaker, Sir, that is another question which I would be happy to answer later.

Mr. Somoo: Mr. Speaker, Sir, as the Assistant Minister has already told us that we are expecting some aid from the United Soviet Socialist Republic, could he tell this House whether it includes the rejected Soviet arms and old cars which have been rejected—

The Speaker (Mr. Slade): No.

Question No. 2048

AFRICANIZATION: PERMANENT SECRETARY,
MINISTRY OF FINANCE

Mr. Olok asked the Minister for Finance if he would tell the House why the post of Permanent Secretary in his Ministry had not yet been Africanized?

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to reply. The post of Deputy Permanent Secretary has been Africanized. The post of Permanent Secretary has not yet been Africanized, as the Government believe it necessary to postpone Africanization until a suitable local officer had had time to acquire the necessary experience of an appointment which requires a wide knowledge of technical subjects.

Mr. Mallinda: Could the Assistant Minister assure this House that that post of Permanent Secretary in the Ministry of Finance will not be Africanized simply for the sake of Africanization, but will only be Africanized when a suitable local person has been found?

Mr. Okelo-Odongo: That is what I have already said, Sir.

Mr. Anyieni: Mr. Speaker, Sir, is it true that the Permanent Secretary to the Ministry of Finance has not been Africanized, because the British Government could not trust anybody with that job as long as they are giving Kenya so much money?

Mr. Okelo-Odongo: Mr. Speaker, this country is being run by the Kenya Government not the British.

Mr. Mallin: Mr. Speaker, arising from the Assistant Minister's reply, would he not agree with me that this post has not been Africanized because some of the senior-most Africans who are versed in finance have been transferred to different Ministries and have not been kept in that Ministry to know the technical know-how?

Mr. Okelo-Odongo: No, Sir.

Mr. Ndiye: Mr. Speaker, Sir, I beg to ask Question No. 2031.

The Speaker (Mr. Slade): There is no one here from the Ministry of Health and Housing to answer it.

Mr. Ndiye: Mr. Speaker, Sir, I beg to ask Question No. 2032.

The Speaker (Mr. Slade): There is no one here from the Ministry of Commerce and Industry to answer that one.

Question No. 2041

DELAYS ON THE KILIFI FERRY

Mr. Ngala asked the Minister for Works, Communications and Power if he would state whether he was aware of the considerable delay and inconvenience caused to the users of the Kilifi Ferry due to the fact that the ferry engines were old and often broke down.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti): Mr. Speaker, Sir, I beg to reply. I am aware that recently there have been some delays at the Kilifi Ferry but immediate steps have been taken to improve the service and in the next financial year, providing the estimates for my Ministry are approved, the Government proposes to construct two new sixty-foot pontoons, install two new motors and overhaul the existing motors. This should improve the ferry service immeasurably.

Mr. Ngala: Arising from that reply, Mr. Speaker, could the Assistant Minister explain what immediate improvement has taken place apart from waiting for the financial provisions because this delay is going on right now?

Mr. Bonetti: Mr. Speaker, the immediate steps taken have been to bring back into service the sixty-foot pontoon which has been undergoing repairs, and to improve the supervision at the ferry. This has made a big improvement to the service.

Mr. Ngala: Arising from that reply, is the Assistant Minister aware that the problem is not the pontoon, but the engines. They are second-hand and completely useless. What has he done to remove them so that we can get quick passage across the ferry at Kilifi?

Mr. Bonetti: Mr. Speaker, I said that we are quite aware of this, and I said that we are taking steps to provide money in the 1965/66 Estimates, and for this we ought to provide two new pontoons at a cost of £8,000, two new motors at the cost of £2,700 and overhauling of existing motors at £600, making a total cost of £11,300 spent on Kilifi Ferry to help the hon. Member.

Mr. Somoo: Mr. Speaker, is the Assistant Minister aware that formerly there were two ferries, and at present there is only one ferry, and once one car gets on the ferry another car does not have the chance to get on?

Mr. Bonetti: I have answered that, Mr. Speaker. I told the House what immediate steps we have taken to improve this service, which is not like other ferries in the Coast. There is

[The Assistant Minister for Labour and Social Services]

Mr. Speaker, Sir, I am glad that a lot of Members have raised a lot of valuable points regarding this Bill, and I am glad that a lot of the speakers who have spoken on this Bill have spoken very constructively.

Mr. Speaker, the problem of labour legislation in Africa is one that is receiving a lot of attention all over this continent, because with the achievement of independence in many African countries, there is a sense of expectation on the part of workers. A lot of workers have tended to think that with independence they are going to enjoy better terms of service, higher wages and so on. Now, in some of the African countries, this expectation has led to a lot of unrest, and the governments of these countries have not sat down to handle the situation in a very constructive way. For example, in a few African countries legislations have been passed to have no strikes altogether. In others, there have tended to be measures which tend to identify Government with the wishes of employers.

Mr. Speaker, Sir, in Kenya, as in many of the African countries, we are facing the challenge of economic development. This challenge calls for stability. It calls for constant efforts without any unrest, like strikes, which tend to defeat the efforts of the Government and the people of these countries, to develop the economy.

Now, in those places where less wise councils have prevailed, Governments have tended to think that stronger measures would produce the stability needed in order to attract capital and in order to compensate economic development. But, here Sir, as some Members have said, we think that it is not easy to achieve that stability by suppressing the workers. Consequently, this Bill, very much contrary to what some Members have said here, does not prohibit strikes, and I am going to prove this.

Mr. Speaker, Sir, this Bill, to begin with, presents an effort to consolidate the law relating to the settlement of trade disputes. Now, I would like to try to explain in name and words what a trade dispute is. Trade disputes are those little conflicts which arise out of employment. They are disagreements between workers and employers. The employers, as employers, think of one thing. They want their business to be successful and they want to make profits. Therefore, all their effort is geared to profit-making. Now, workers as workers, want to make a living out of employment. They want higher wages, they want fewer hours of work, they want clean and

acceptable conditions of work, and therefore, you can see that every time you have an employer and a worker, there is potential conflict. Now, these conflicts are as many as there are types of work to be done. Therefore, we have a law that regulates the settlement of the disputes which arise from these conflicts between employers and workers. This is primarily what this Bill is supposed to do.

Secondly, this Bill incorporates, brings together, the old Trade Disputes Bill, together with the Essential Services law. Now, we thought that it would be advantageous to put the two together, because, as a matter of fact, one leads to the other.

Mr. Speaker, Sir, in this Bill we begin with, we have not changed very much some of the provisions we had in the Act we passed last year. As a matter of fact, Mr. Speaker, sections 1 to 17 of this Bill merely repeat the mere copies of an Act which was passed in this House last year. What is new in this Bill begins from section 19, but let me go back step by step, Mr. Speaker, because I would like to answer some of the queries raised by some of the Members who spoke earlier.

Mr. Speaker, Sir, in this Bill we have also tried to do something new. In 1962, as was pointed out by the hon. Member for Teso, an Industrial Relations Charter was signed between the Government, the Federation of Kenya Employers, and the Kenya Federation of Labour. This Industrial Relations Charter contains agreed procedures and formulae and things which should regulate the industrial relations in this country.

Mr. Speaker, since October 1962, everybody in industry, both on the workers' side and on the employers' side, have agreed that the procedures and agreed responsibilities contained in the charter are good, and they should be observed. In some cases, some of these procedures have been observed, but in many cases, Mr. Speaker, they have been violated, both by employers and trade union leaders. They have been violating the charter while paying a lot of good service to it.

Mr. Speaker, Sir, one of the things we have tried to do with this Bill is to bring in, to give legal effect, to some of these agreed procedures contained in the Industrial Relations Charter, and that is what we have in sections 18, 19 and 20 of the Bill. Therefore, I would like to try right from the start that anybody opposing section 18, which deals with adherence to agreements, or section 19 or 20 of the Bill, does not know what he is talking about. Either he does not know what he is talking about or he does not

[The Assistant Minister for Labour and Social Services]

know that such a thing as the Industrial Relations Charter exists, that this charter has been accepted by both the employers' organizations and workers of the Government since October 1962.

The Speaker (Mr. Slade): It is half past Six, so will you continue speaking when the debate is resumed.

ADJOURNMENT.

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until tomorrow, Friday, 30th April, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1098

EXPANSION OF HEALTH CENTRES IN SAMBURU

Mr. Rumbhan asked the Minister for Health and Housing if he had any plans for the expansion of health centres in Samburu District.

REPLY

The Minister for Health and Housing (Mr. Otieno): Samburu District has always been considered along with other districts in our health centre expansion plan.

The construction and maintenance of health centres is the responsibility of local authorities. The Government makes a contribution towards the capital costs as and when funds are available.

It is up to the Samburu County Council to agree first whether they are in a position to approve the siting and construction of any new health centres in their district, and if so to apply to Government for assistance where necessary. But it must be understood that the financing and running of any health centre in their district will be their responsibility.

[Mr. Ochwada]

I am sure that the trade unions agree with it. They have already been dealing with this and I would like to see that when a dispute has been reported there will not be unnecessary worries caused for the trade unions concerned or the employers concerned. I would also like to see that any decision made at any stage is fully backed by law. I am glad too, that the Industrial Court has full backing, full legal backing, under this Bill, and I hope that, that will continue and more powers will be given to the Industrial Court to deal with any matters that might arise, not only within the definition of a trade dispute, but also any labour disputes.

Now, Mr. Speaker, Sir, I would have liked to see also in the Bill non-adherence to either the agreed procedure or the agreed agreements or the agreement declared an offence under the Act, but this has been left loosely, that it will be determined at various stages. I hope that when the Minister comes to reply he will be able to satisfy me that these two clauses, particularly clauses 19 and 20, if left as they are. They will meet whatever may occur in future.

Regarding penalties, which are stipulated here, I think most of them have been very lenient. In most cases, you find, Mr. Speaker, that most of the strikes that have been taking place in this country have either been initiated by someone who is not even a member of a trade union, or someone who is not even a leader of that union, and I would have liked to see something much more severe than the penalties that have been proposed in the Bill.

Mr. Speaker, Sir, regarding the list of essential services, of course we would like to safeguard the interests of the people in this country, but the list is a little too long, and I would have liked it a bit shorter than that, with, of course, the penalties increased in cases where an illegal strike was held against either the orders by the Minister or the Industrial Court's direction. However, since the Bill, as a whole, goes to the extent of restricting strikes, I do not think that I would have much quarrel with the list of essential services, as it stands at the present moment. I heard, Mr. Speaker, one hon. Member complaining that the Minister has the right to add on the list of essential services, but I think clause 34 makes it quite clear that he will not do that until the matter has been referred to Parliament.

Mr. Speaker, Sir, I would also have liked to see in this Bill stipulated some offences, whereby certain activities by an employer or a provocation by an employer which lead to a strike or a trade

dispute could be an offence under the proposed Act. This would help not only the unions and the Government, but all parties concerned in trying to eliminate many disputes which might have occurred.

Mr. Speaker, Sir, as I said, I did not have much to say on this Bill, only to support it and hope that it will help to cut down the labour disputes that have occurred in this country.

Mr. Speaker, Sir, I beg to support.

Mr. Agari: Mr. Speaker, Sir, I support this Bill because, in Kenya at the present time, and under the circumstances, economic activities need supervision, close supervision, and it should be justified that Government should strictly and closely supervise the activities of trade unions, that is the workers, and the employer.

First of all, Kenya's economic structure is a rather racial structure. At the moment, the employers are non-Africans, and normally the Africans are the workers, and the leaders of trade unions, and members of the unions. There is also a tendency, Mr. Speaker, in human nature to develop, encourage, or find chances to create class distinctions: a class of poor people who are exploited on the one hand, and a class of rich people who exploit the poor ones, the worker ones on the other. That is why it is very essential that the Government should help with more strict ways of dealing with trade disputes.

Here, in this Bill, we have seen that there was a need to discipline both the employer and the employees, and it is very easy, and it is possible, that you can find a situation when leaders of unions, would for other motives other than those of promoting the welfare of the worker initiate action which incriminated the members of the public. Also, you would find arrogant employers who would, for their own particular motives or ignorance, or simply behave in such a way that the whole nation would be inconvenienced, and the whole nation would probably lose or be hindered in their progress by the behaviour of the employer. This is why this Bill which is seeking to regulate the extent to which unions can call a strike is welcome under this situation in this country. As Members have expressed that, in general there have been occurrences, which have shown some unnecessary strikes; there are occasions when sympathetic strikes have just gone on because a union leader wanted to have a name or publicity. These things have appeared here, and such experiences have forced the Government to bring in this Bill.

[Mr. Agari]

Mr. Speaker, Sir, speaking generally, we need, more than anything else, if we are to advance the nation, to cultivate more sense of discipline in our people, only in the trade unions or in the employed community, but even in this House. Mr. Speaker, discipline means that one has to consider very thoroughly and very responsibly whether an action or a behaviour, or an intention is prejudicial to the welfare of this country or not. If we thought that for personal reasons, or for the sake of trying to cause frictions or cause embarrassment to the Government, we incite certain things or certain strikes, then we are not disciplined.

Therefore, we would seek to support Government in this Bill, and we would seek to emphasize and urge the Government that it must strictly adhere to the terms of this Bill, so that both our working class and the employer class get disciplined. There is no possibility or chance of our economic plans succeeding for our development advancing, unless we have learnt to discipline ourselves.

Mr. Speaker, I am glad we are doing it through the law, we are trying to discipline our people through the law. If there is a dictator, he might align himself with the employers and suppress the workers. If there is an irresponsible or childish ruler, he may align himself with the responsible union leaders and confuse the country. Therefore, the procedure set down on this Bill is proper and it seems that it is the fairest that can be offered before the public so that there is a machinery which gives a chance to those who seek to do the right thing to succeed. We would not like here to frustrate the interests of the working class of people of Kenya. The working class is the majority of our people. They are the main machinery for the economic development in this country, and therefore, I feel that in this House we must make it clear that if Government does not use the machinery of this Bill properly, and there seems, or there occur any occasions when the workers are either suppressed, or not dealt with fairly through this machinery, we will not keep quiet. We would like to assist the workers and the trade union leaders that we will stand by them. I know many Members in this House claim to be the workers too, and some time back, they were those who were trying to organize unions. Many of them are not workers now, but are employers, and I would like to warn them that this Bill is coming, and they should not expect others to adhere to the terms of this Bill when they themselves do not obey them.

Mr. Speaker, I would like to say that whatever we may think or whatever economic ideologies somebody may have in his head, there is nothing better for Kenya other than that which seeks to enhance production and improvement of machinery of production in this country. There is no better way, practically for Kenya, other than that which seeks to bring harmony between employers and employees. There is no better method that can bring prosperity to Kenya other than leaving the trade union alone and the workers alone to concentrate on production, rather than being used by subversive forces in this country.

Mr. Speaker, Sir, with those observations, I support the Bill.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I would like to intervene at this stage to answer some of the points—

Mr. Kibetich: On a point of order, Mr. Speaker, if the Assistant Minister is giving the reply, we would like to know whether this is the end of the debate?

The Speaker (Mr. Slade): The Assistant Minister is not replying to the debate. He would only be doing that if the Mover had ceded to him the right to reply; but I have not heard that that is so. He is just taking part in the debate, and other hon. Members can speak after he has finished.

Mr. Mbugohi: On a point of order, Mr. Speaker, I thought that when a Minister is present and he is a Mover of the debate, he does not have to speak, but can only reply when the Mover is called upon to reply.

The Speaker (Mr. Slade): I think you are confusing the Minister who moved the Motion and the Assistant Minister who wants to participate in the debate in the ordinary way. The Mover has no right to speak again, except in replying, but the Assistant Minister is not prevented from taking part in the debate because his Minister moved the debate.

Mr. Mbugohi: Mr. Speaker, I thought that as the Minister was not here, if anybody now calls for the Mover to reply, the Assistant Minister would reply.

The Speaker (Mr. Slade): There would be no reply to the debate if the Minister was not here.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Thank you, Mr. Speaker.

[Mr. Ochwada] absolutely nothing at all to do with the workers' standard of living. This Bill is not very good in as far as the workers' interests are concerned; let us admit it. But then what was the alternative left to Government if the leaders continued to fight among themselves, they continued even to provoke the employers? In fact, at the present moment it has gone beyond strikes, it has gone underground, and you will find that a number of employers are complaining of trade union leaders going to them and telling them, "Either you give me Sh. 500 or tomorrow you have a strike on your hands." If any Member disagrees with me, I am quite prepared to produce an employer who will tell him frankly that on such-and-such a day a trade union leader came to him and said, "Either I have Sh. 500 or 150 sheets of corrugated iron or you have a strike on your hands." This should not be allowed to continue at all. Mr. Speaker, Sir, although it is a shame on leaders like me I do not happen to be a trade unionist at the present moment, I am in the same boat as the Member for Majoge-Bassi. If he calls it a dishonest boat, then we are both sailing in the same boat; if it is an honest boat, then we are sailing in the same boat.

Mr. Speaker, Sir, recently we had labour unrest in Mombasa which led to the Ministry of Labour ordering a Board of Inquiry. The report is not yet out but when the report comes out I think some Members will learn that this Bill is, in fact, a little too late. It should have come much earlier, to try and prevent such occurrences.

We have also had a struggle among the trade unionists themselves under the pretext of international labour policy. Mr. Speaker, when this started—and it was as far back as 1959—when there were arguments about which way the trade union movement in Kenya should go, most of the people who have actually misled some of the workers who have served certain firms for over twenty-five years to lose their jobs were the strong opponents at that particular time, and were the very strongest opponents of change in the international trade union policy of this country.

What has changed their mind so soon, apart from just trying to use the workers to gain certain objectives which have not come to light, as yet? It would be quite wrong if the Government sat back and saw the workers being misled, being misused, and I must say that I thank the Minister very much for having brought up this Bill at the present moment and I am sure that when it comes to the end, most of the Members who think that this Bill is contrary to the interest of the workers will realize that, in fact, it is trying

to work out a way to help the workers whom they are also trying to help.

Mr. Speaker, our trade union movement at the present moment should have a job to do for Government in its economic policy, and the way that the trade union leaders have been behaving recently is the exact opposite of what the Government would like them to do. The workers, of course, are very straightforward people and they will do anything they are told to do if they get proper conditions but at the present moment, Mr. Speaker, Sir, most of our trade union movement leaders are bent on either trying to do or to know whether I should call him the King or the master, or they are bent on destroying their own interests. That being the case, Mr. Speaker—

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, it is in order for an hon. Member of this House to accuse people outside this House for things which he, himself, has admitted he did, and then to accuse them of being wrong when he has admitted to these things?

The Speaker (Mr. Slade): I think an admission of having done things oneself strengthens the testimony of a Member who says that the same things are being done by other persons outside; but the hon. Member is quite right to raise the point of order. Then hon. Members must not generalize about the misconduct of a whole group of people; whether it is a community, a class, or whatever it is. It is all right for the hon. Member to say that certain trade union leaders do these things but we must be careful not to say that they all do it, or even the majority of them do it.

Mr. Ochwada: In fact, if I remember correctly, Mr. Speaker, I have not specified anything at all. I have been so general that I did not refer to any particular section of trade union leaders.

The Speaker (Mr. Slade): But you were getting a bit too general, too sweeping, in your condemnation of trade union leaders as a whole. I think you are not quite in order.

Mr. Ochwada: Mr. Speaker, Sir, I do not think it is fair the whole blame lies with the trade unionists; the employers also have a share in this. In that there have been times when employers have decided to bend towards a certain direction and ignore the other direction. This has resulted in a tug-of-war between either unions or a section of workers employed by that employer. What has happened, Mr. Speaker, Sir, has been that the Ministry has sat down and wanted to see who is stronger, and then, when the Ministry has realized

[Mr. Ochwada] that one side is weak, there has been a tendency for the Ministry to side with the stronger party, but I think I would have liked to see it go a little further than that and extend a trade dispute to include even disputes which cannot be reported to the Minister as trade disputes. In actual fact, I would have liked it to be in the form of a labour dispute whereby some other things like association or representation of persons negotiating and so on could also be included. Under this, if a dispute arose as a result of who should represent who, then either the Minister would step in immediately, even if the dispute is not reported, or the Industrial Court be given power to deal with such disputes when they arose, so that we avoid unnecessary clashes, and unnecessary labour unrest in Kenya.

I would like to give advice as an elder brother to my fellow trade unionists that I think this is only a temporary measure; the Bill is only a temporary measure to try and bring them back to the line. I am quite sure that this Bill will not be necessary, if, at a later stage, the trade union leaders and the trade union movement prove that they have forgotten all their self-interest and they are now out to help our Government to improve the standard of living and the cost of living of the people of this country.

Mr. Speaker, Sir, many Members here have raised the issue of the check-off system. Of course, in the past one of the points which has brought about misunderstanding in the trade union movement has been finance. Many of our trade unions did not have sufficient powers or better organization methods to induce members to pay their dues regularly and as a result of that they have run out to try and get money to help run their organizations. As a result of that, Mr. Speaker, Sir, no one can give anyone money for nothing because there is nothing for nothing in this world because everything one gets has to be paid for. This goes for all trade unionists, not only one section of them.

I must congratulate the Government on introducing this measure because it will not only help the trade union movement to have sufficient funds to run their day-to-day administrative activities but will also help them to accumulate sufficient funds which, at a later stage, they will, I am sure, be able to invest in various projects. I have been in different countries where trade unions are financially strong enough and where you find that a trade union movement has built a housing estate as big as the present one at Karafokor Housing Estate, rented to workers in either their own industries or outside industries. I believe that as a result of our check-off system, our trade union leaders will not only use the money for day-to-day administrative purposes but they will also have saved sufficient money to help them invest the money in various projects and also contribute to the economic progress of our beloved Kenya.

Now, Mr. Speaker, Sir, this Bill, as I said, has not gone far enough, and I wish it had gone further than it has gone, especially if you take

the definition of a trade dispute. The definition of a trade dispute gives a very brief definition, but I think I would have liked to see it go a little further than that and extend a trade dispute to include even disputes which cannot be reported to the Minister as trade disputes. In actual fact, I would have liked it to be in the form of a labour dispute whereby some other things like association or representation of persons negotiating and so on could also be included. Under this, if a dispute arose as a result of who should represent who, then either the Minister would step in immediately, even if the dispute is not reported, or the Industrial Court be given power to deal with such disputes when they arose, so that we avoid unnecessary clashes, and unnecessary labour unrest in Kenya.

Mr. Speaker, Sir, it looks as if Government is rather concerned about publicity in newspapers, but I believe that publicity of strikes and disputes and so on has been through the newspapers. I believe that this has been allowed to go on because perhaps the Government has been lenient enough to let anyone run to the newspapers to publicize whatever they want to issue threats due to the delay which has been caused when a dispute is reported to the Ministry when immediate action has not been taken.

Now, Mr. Speaker, Sir, taking the Bill itself, I would like first of all to deal with the reporting of the disputes and what the Minister is supposed to do when a dispute has been reported to him. In the past, it has been the practice that when a dispute is reported to the Minister, in clause 6, para. (ii), subpara. (c), he may, with the consent of the parties, refer such matters to a conciliation and, at the same time, the composition of the conciliation, or the conciliation team, must be also agreed upon by both parties. I think this is a bit too loose, because if the parties disagree and they report a dispute to the Minister they expect the dispute to be settled by the Minister. He could probably agree on the composition of the conciliation, but once it has been agreed upon by both parties, but once the dispute is referred to him, why again seek the consent of both parties in order to appoint a conciliator, and in order to refer the matter to him? I think the words, "with the consent of the parties," should be declared redundant in that particular clause and that the only place where the parties should come in is when it comes to the selection of the conciliators.

Now, Mr. Speaker, Sir, otherwise the machinery that has been set down in dealing and also the stages of the machinery are quite elaborate, and I think I am quite agreeable, and

[Mr. Oduya]

House which they elected themselves, is trying to exterminate their freedom of exercising their powers to achieve proper industrial independence which has not been achieved, although we are independent.

I am sorry to find that some of my colleagues here who have not been very grieved on the issue are only trying to take this to be a personal document—that So-and-so likes the Minister and So-and-so does not—because that is not the reason at all. This document is going to govern the freedom of movement in this country, and it is going to govern the employers' organization, and that means that it is going to safeguard the industrial relations of our country, so there is no question of any member being biased and trying to accuse others of such things.

Now, Mr. Speaker, in this document I know that the Government is trying to implement the charter, but what is worrying me is that when we discuss the charter which, as the Government is emphasizing, it is going to implement it according to the agreements reached between the Federation of Kenya Employers and the old organization of the workers, that is one thing, but some of these changes that have been intimated here in the Bill were not brought into this document. I think it should not have been possible to try to declare some of these unions Essential Services. It is very wrong. For example, the trade union as a whole, is declared an Essential Service, dockworkers are declared as Essential Services, local government authorities are declared as Essential Services, the electricity power operators union are declared Essential Services, transport workers are Essential Services and other things are covered by this. But, I think it would have been better for the Ministry to call the leaders and sit together and discuss the reasons why and give reasons why the Ministry wants these unions to be declared as Essential Services, so that this row now between the workers outside and the Government would not have arisen. But, at the moment, the Government is only trying to use this House to force the Bill to go through without the consent of the workers outside.

Now, if we pass this Bill in this House, Mr. Speaker, we do not get the proper support of the workers outside, and I must warn the Ministry that some of us who live in the reserves will not be held responsible for whatever consequences are faced by passing this Bill. I know that the Government now is going to use—once the Bill is passed and becomes law, whatever machinery there is to suppress the workers. This

is also, on the other hand, very wrong. We are not going under our own responsibility, to try to force people, to try to suppress them. We must harden them because they have their own representatives elected, and the Kenya Federation of Labour, which is the co-ordinating for all the unions, should have taken this into account. There are some unions like the Dockworkers' Union which are strong in the country today, and I hope that the Government does not guard about it, because the leaders are well trained, and there are many other unions who should have been consulted about this, particularly the congress which represent this union. A mutual agreement should have been reached.

Mr. Speaker, I do not see why some of the Members are shouting on this matter, because this will be no surprise to the workers. I know that the Assistant Minister for Economic Planning is elected by the workers, and I am talking about this document, not because of the Government, but just to find out from the Government and the Ministry concerned why it has not been possible to brief these people about the procedure so that they could discuss it, and when it comes to this House we would have to quarrel with it. Again, the leaders say that there will be a general strike if they are not consulted. The very Members who stood in places like Mombasa, Nairobi, Nakuru and so on, must be very careful, because, Mr. Speaker, Sir, the workers, when giving out their votes, knew that these people were going to guarantee their future. Therefore, they are not going to allow any Member to come to this House and start messing about.

Mr. Speaker, I must say this most plainly that the main problem, which I hope the Government should have examined, and I think my best friend the Minister who is trained in this Bill is listening, is the question of wages, and I think when speaking about this, to this House, the Ministry should have taken it into account that they should find out what is our basic minimum wage scale in the country.

An hon. Member: Which industry?

Mr. Oduya: Mr. Speaker, I hear one man who is very interested asking which industry.

Now, I would like the Minister to explain to this House what are the things that the Ministry is taking into account before producing this document, as regards the question of wages. There are certain industries, let us say the agricultural industry, with all the workers working on the sisal plantations, sugar plantations, tea plantations, maize plantations, in the Rift Valley

[Mr. Oduya]

area, which is an agricultural producing area, and all these workers in these industries are co-operative at the moment, and therefore, there should be a law imposed on them. They must abide with what the document is talking about.

Mr. Speaker, Sir, I will go further and say that if only the Government considers the minimum scale of the workers in these areas in these industries, I think this solution could be very successful, but I do not think that the Bill is going to help us a lot if these workers are still in the state of affairs that they are at the moment. They are really frustrated, and some of them work on a monthly basis, or not really a monthly basis but a monthly basis, but Sundays are not counted. They are not offered medical services, and other things. These people are not covered with all these conditions. These are the people who are really suffering.

Now, many of them will go on strike because of wages, and the Kenya Government must legislate first what is going to be the minimum wage in this country. It should have been the first thing they did.

I am not speaking for myself but for the African people and for myself also as a worker. Even here I have a contract.

Coming back to the terms, you will find that we have different types of employers, I hope the Assistant Minister for Labour is very much aware of this and I hope other Members will give him time to hear me so that he will be able to know exactly what I am talking about. There are some members of the employment organization and employers' organization who are not worth keeping, which I think the Minister should take into account to see that when a Bill like this is brought to the House, these people are also well informed of the procedure and they learn and improve the industrial relations in this country. For example, the employers who are mainly the Asians even defeated, during the colonial government, the procedures of the colonial government. They are so tricky that unless the Ministry of Labour now opens itself and takes very, very strict measures to discipline these employers there will be nothing; all that we talk about in this Bill here will be a waste of time. These employers really do humiliate the workers and they make them work for wages lower than those required by the Government and this I think the Ministry is aware of and if the Ministry is not aware of this, let the Ministry check and it will find that what I am saying here is true, because in fact,

some of these workers have been under my union, the former union of mine workers, which is now, of course run by one of the men around and I knew that the intentions of some employers in this country are very difficult. Why? Because most of them, Mr. Speaker, do not belong to the Federation of Kenya Employers they are not members of that. So to deal with them is always very difficult and the only employers' union which is always forward, which is reasonable enough always to offer some negotiations to workers' organizations and the Government, is the Federation of Kenya Employers. Now, could the Minister come here and give us some assurance of the plans he has for us some assurance, particularly the ones I have mentioned, when it comes to the time of disputes and what not, because they are not even prepared to come and discuss things round a table. They are very stubborn chaps, so I would like to know what other measures the Government is intending to take and what is the Government is going to do with these employers? Is the Government going to give them licences to run businesses and just let them humiliate the masses, and instead of taking action against the particular employer the Government will always be interested to mistreat our own people.

Also, there are the wages system on top of that. It is very, very poor. They are working on what we call "tickets", these tickets do not promise a regular salary, you can even work for two months for one ticket, then you get money deducted, you get food deducted, you get house rent deducted and what not and finally you get about Sh. 10 a month. This is very, very serious, and the Ministry is introducing a Bill like that which is very important, that it is going to govern our industrial relations in this country. It must take these things into account first, not humiliate the workers. So when the trade unions in this country talk about other things, talk about the conditions of the workers in this country I am very, very sure that they are right and I hope the Ministry recognizes this and it must tell this House before we vote this Bill through, what action the Government is going to take about such things.

Now, coming to the question of some of the employers who are very arrogant, I think I have also put a case. I have mentioned briefly that the Minister should look into this and see that the arrogant ones are brought to their proper senses to follow exactly what the Bill says.

Coming to equal pay for equal work is where another complaint comes up. There are certain firms in this country which still discriminate

[Mr. Ngala-Abok]

This list is very confusing because if it was analysed then we would have to tell the country now exactly why there is such a thing as health services and also hospital services, and how they become essential. But here it is not clear about the Essential Services and which people dealing with the health services could go on strike without any harm. Moreover there is machinery for bringing about settlement quite within reasonable limits.

This means that the Government is not going to care about the settlement of disputes as they are more worried about claiming these services as Essential Services, so that all the other services that they leave out could go on strike for one year or six months and the Government could still carry on. If there is no proper explanation, then I do not see that the Government is going to get very far.

Moreover, Mr. Speaker, Sir, for the information of the Ministry concerned I would like them to amend this Bill, because if the trade union workers during the next elections came out to grasp this Bill then the workers will definitely vote for trade union leaders. This is why we find in Great Britain the Labour and the Conservative Party. This came about because of these such Bills. These Bills which certain parties thought that they were going to use to provide the workers vote but eventually the workers put forward their candidates and then you got the very well disciplined Labour Party which is now in power. So, Mr. Speaker, Sir, we want the Government to reconsider the position, on the question of the Minister having the power to declare a strike illegal. How could an individual, who is also a politician with his own views, his own ideologies, and his own alignment come along and claim a strike illegal? This is very, very bad. You may even find that he will claim that the sitting of Parliament is illegal. If Members try to claim that they are not treated well in Parliament here, I think the Minister for Labour and Social Services—and this Bill may as well affect the Members here.

So, Mr. Speaker, Sir, we would like the Ministry to be very careful. Personally I believe some of these Bills may not help the Government in the long run and you must sometimes be very careful when Members are speaking in this House and consider our positions because we have everything to gain. This country is ours and many Members of this Government are going to become Members of even future Governments, after the next elections. They should try to take it step by step. One should not make the Government go

to extremes of bringing certain services under Essential Services, and to go to the extreme of asking the Minister to declare certain strikes illegal or to the extreme of even preventing the sympathy strikes because one merely thinks that if the trade unions are brought under the dictatorship of a Ministry, then they could govern the country this way, things would be better, things would be developed, and economic planning and development would take place. You could never make progress in this guise, one could only encourage development by coming forward step by step and helping to reach and understanding with trade union leaders or being able to reach an understanding with the people that are going to be affected by the law of the Government. We know very well that due to fear in the industrial world in this country, they are not staging demonstrations and they are not doing much in opposing the Bill. But we would like to ask the Ministry to discuss with them and agree with them on certain points. If the Ministry has done that then I am sure that the Assistant Minister who is an expert in industrial relations and in industrial matters and who was former lecturer in one of the most important colleges in East Africa will comment upon this, and tell the Government what agreements have been reached. As far as my knowledge goes, I am quite at liberty to say this, that there has not been a proper machinery to bring this Bill to the House, and to tell the country why this Ministry is embarking on these extremes. I am still elaborating and I have no time limit.

Now, Mr. Speaker, Sir, this is where I would like to pin myself down to specific points. But I will not go very far as I have spoken quite a bit. Mr. Speaker, Sir, now about the control of the check-off system. We see here that the Minister is going to control the use of the check-off system. I just do not know what is wrong in this check-off system at the moment. It is most unnecessary. The union leaders should have the powers to do what they wish with the money, and only the workers could discipline their union leaders if there was misuse of money or if there was anything wrong at all with the check-off system, or if a certain department or a certain firm, was not complying with the check-off system, or was not sending cheques or Bills or any other things to the union leaders. This could be an entirely legal matter for the unions themselves to settle amongst themselves. I do not think the Government should enter into these financial matters. If the Government thinks that a certain trade union movement might grow too rich and one day take over other unions, because usually the

[Mr. Ngala-Abok]

source of a person's dignity and claim for power and other things, is based on so much money, and their position or property, which one day will enable him to popularize himself to go and offer beer to his friends, and so on.

If the Government feels that certain unions might abuse this as to when they reorganize the industry, this is the way suspicion which even Members in this House could have in discussing this Bill, because, in fact, it is up to the unions to organize their own funds. If the union is to be free it must have its own accounts. It must be responsible for looking after its money. It must know from where the organization will get its funds, and this is not a matter for the Government to go into. But, I must congratulate the Government if they do what the Tanganyika Government did. The trade union part of the Government appointed a Minister to become the Secretary-General, and allow him to dominate the whole union so that the trade union leaders in the country will look for some other jobs. There is no use putting them in restriction, and stopping the leaders from speaking if they cannot organize things, and have no proper system of authority. Why should we bring other restrictions such as the Government control of strikes and the prohibition of sympathy strikes in the Government. Government is doing all this. All these things just lead to one thing, that the Government is not prepared to bring the entire union organization, or industrial organization to its senses, and create one of the Ministers as a Secretary-General.

I am not speaking to the Minister personally, Mr. Speaker, but you can approach this in two ways, in which case you can be discovered very quickly. So, I would not like the Ministry to approach this in two ways. I would like the trade union organizations in this country to be brought completely under the Government's control, and tell the trade union leaders to look for other jobs. There is a question of somebody saying that we still have no headquarters for workers here, and that we have another one for workers in the plantations. This is not going to be of any use.

Mr. Speaker, as I said at the very beginning, it is good to make the workers understand that in view of the fact that certain development have only to develop under peaceful organizations of all our resources and under properly disciplined trade union movements, under properly disciplined political parties, and under properly organized industries in the country, with the aim of bringing all our resources together, and developing all our resources, the Ministry has

gone too far, but we feel that if the Ministry could amend some of these clauses in line with what we were advocating or some of us were saying, it will help quite a lot to save this Ministry from getting a candidate from the trade union organization taking over from the Minister for Labour and Social Services, because I know that the trade unions are going to post one of their leaders to this constituency, to take over from his unit.

Thank you very much, Mr. Speaker, Sir.

Mr. Odunya: Thank you very much, Mr. Speaker. I do not think I have much to say because my friend has put up a case very effectively, and which I think my hon. friend, the former principal of a trade union college in Kampala, has appreciated. I know very well that it was a party to this document called the Industrial Relations Charter, which was adopted in 1962, when I was commanding the trade union movement, as the General Secretary of the Mine Workers' Union. The records are there, there is no question about it. Although the Ministry has found it necessary to introduce a document like this one, which I think in some ways is good and in some ways is bad, because the Ministry has gone a little too far before consulting the workers concerned, of the trade unions that represent the working class in this country. When we adopted the Industrial Charter, which I think the Ministry is now trying to legalize in this House, we find that the members of the Federation of Kenya Employers and the team from the trade union movement, and the chairman of each union of each union, were present and the chairman of the commission was the Minister for Economic Planning, and he was then the Minister for Labour, Mr. Tom Mboya. There was a mutual understanding, and we carried it on for about three or four days, and that is when we produced this paper, what we call the Industrial Relations Charter, there was no dispute at all. Now, I am surprised, Mr. Speaker, that a Bill has been drafted by the Ministry without first taking into account what the trade union movement or the workers' union in the country would be. I thought that the Ministry should have consulted the workers in the same way as the workers were consulted when the Industrial Relations Charter was discussed. I am sure that if the Ministry did so, there would be no question of us being superseded by the trade union movement discussing the Bill, because I know that most of the workers, or should I say all the workers' organizations in the country, think that this House, being an independent House, a free

[Mr. Omar] the workers went on strike. The employers were surprised and even the Government was surprised. They did not know the person who wrote that notice and they did not know how the strike was organized. So, Government is going to waste time by placing the port and docks under Essential Services. I was a worker in the docks for fifteen years and I know that no Government, nobody, can stop workers going on strike when they feel that they should go on strike. Therefore, the Government is going to waste its time, is going to waste paper by putting the docks industry under the Essential Services. As I say, I have been a dock worker for fifteen years and so I know what tricks have been used, especially during the colonial days. Those workers are highly organized and highly educated as regards the trade union movement. This is not a threat or intimidation of the Government; this is a fact. If we are to build this country, we must tell one another the facts in this House and outside, and that is why I am saying this. This industry should not be put under the Essential Services. If you try it, you are going to fail.

With these few remarks, Mr. Deputy Speaker, I am declaring again my disapproval of this Bill and I am strongly opposed to it for the reason that it gives greater and dictatorial power to the Minister and does not provide sufficient protection for the workers. I feel that it is only here to give protection to the employers and the capitalists who have been exploiting our people, the workers, for a long time. Now, arrangements are made under this Bill to protect the capitalists. Mr. Deputy Speaker, there are now some Africans who have also become capitalists. They came together, planned and drafted this Bill so that the African capitalists who are also embarking on business, in firms, can exploit the African workers. The majority of the workers in this country, Mr. Deputy Speaker, are Africans and if we want our Government to be stable, there must be a good relationship between the working class and the capitalists. This Bill does not provide protection for the workers and, therefore, Mr. Deputy Speaker, I am strongly opposed to this Bill.

Mr. Ngala-Abok; Mr. Speaker, Sir, I would not claim that I know very much about the trade union movement or trade union organization, but I can say that I know a bit of it, as far as Government services are concerned. I would personally like to congratulate the Ministry for the attempt the Ministry is making to bring the workers to their senses and to ask the workers to become more reasonable in their demands for

the payment of their salaries, for the improvement of their conditions. Also, at the moment we want development in the country by pulling together, not only as politicians, not only with the settlers, the European settlers in this country, not only to pull together with the Asian capitalists and the Asian businessmen, and the ordinary Asian men, not even to invite to people who are not employed to co-operate with the Government, but most important to ask the trade union leaders who are in key positions to lead the ordinary men, the lowly paid men in this country to understand the proper trade union organization which will not leave this country in difficulties.

Now, Mr. Speaker, Sir, this attempt is here in the Bill, and I also realize that there are certain things which are omitted from the Bill. Personally, if you look at my speeches made in the Parliament it will be found that I have appreciated certain places where I consider the Government to be taking proper action. But I have not appreciated things where I have thought that the Minister was not good enough. I do not think the Government of Kenya is going to go into the Tanzania system immediately. Our trade unionism—as far as our Members of Government have claimed in the past—is claiming now that they are more mature than those trade union movements in other African countries, and in fact they are better organized, and yet they are striking mostly quite unnecessarily. So, Mr. Speaker, Sir, if I am going to question certain clauses of this Bill, one should not misunderstand my position, because what is becoming a nuisance in this House, Mr. Speaker, Sir, is that people's positions are misunderstood. I am here to air my views, but I am not here to oppose a particular Minister for example, the Minister of Labour and Social Services who introduced the Bill here.

I know that he has good motives and he wants to reorganize the trade unions. He wants to take the laws, and particularly the Industrial Charter, to be legalized, because so far it has just been a document which anybody could tear up at any time. But if the terms and the agreements in that document are legalized I think then that the workers would understand their position better and then the leaders of the workers could act within the laws of the country. Therefore, Mr. Speaker, Sir, I agree that something should be done so workers cannot come out on strike unnecessarily, make the trade union leaders unnecessary, make the workers leave their duties just because the trade union leader would like to score more points and get a higher position. We also want the Government to realize its part. We

[Mr. Ngala-Abok] do not want to claim too much, but what is claimed here by the Ministry was ignored during the colonial days. The colonialists wanted even more development. They also claimed to be benefiting the Africans, to be progressing our people, educating the people of this country, but they did not go so far as to declare many, many services essential. Now, Mr. Speaker, Sir, how has this Government gone to the extreme? The colonialists which we were fighting, while they were doing this we were saying that they were oppressing our people, that they had come here to claim things, and that they wanted to oppress us. Now, Mr. Speaker, Sir, we find that the services which the colonial government did not like or enlist or say were essential are now enlisted by our own African Independent Government as essential. Where are we going? I have already agreed that the intention is good, because personally I would not like my brother to go on strike unnecessarily because he is leading a trade union movement because when we know that when this strike is on he will lose his job, because we know very well that workers have gone on strike and they have lost their jobs and then they come back and worry us, as politicians, in the village, because they went on strike through the stupidity of their trade union leader. An hon. Member has stated that whereas we want the trade union leaders to be as careful as possible, and whereas we want our workers to understand the objects of our Government, we equally do not want to have such extremes as to declare the services which were ignored by the colonial government as essential under the present Government which means that there is a political or ideological move being made by the Government to try and oppress certain workers who they see at the moment are not going to help them very much to push forward in their policies. If one looks very clearly at the history of this country since independence, or just before independence, it is obvious that some workers in the Government, and some workers in the industries are trying to get the trade union organization in this country reorganized so that the country could have one union and not many unions here and there which are easily managed and which can go on strike at any time, so that there is no disruptive one union with headquarters, one in Machakos, one in Kiambu, and so that you find someone else claiming in Nairobi here is the headquarters. Now, this trade union leader cannot control the many trade union headquarters in the country, and this is why, recently, certain trade union leaders wanted a proper organization of the union

so that the Government could have one overall head of this union in the entire country, or proper organization and understanding of the disputes and in many matters affecting the workers.

Now, Mr. Speaker, Sir, if as it is being claimed, and as far as this Bill is concerned it is very revealing, we have all these industries where union leaders are claiming that they want a better union organization which are now claimed as Essential Services. To make it worse, Mr. Speaker, Sir, they are not only placed under the list of Essential Services, but the Minister has been given the power to declare any other workers as Essential Services, even those that are not listed here. If you refer to a certain clause under these services which could be declared essential by the Minister for Social Services, there is nothing to stop the Minister from one day saying that the Agricultural plantation workers are essential services, because in my mind I think that there maybe something more essential than those working in the oil industry. If all the motor vehicles stopped moving then this shows that these workers stopped handling the petrol, where would we suffer most? Would we suffer because your car cannot move because there is no petrol? Or would you suffer because you have no transport to come and speak in the House? The people who suffer the most, if the plantation workers' union went on strike, but I would not suffer, I could stop in Nairobi for a few days, waiting for one day to come Nairobi. I could say that I was stranded; the workers are on strike. I would like to question the list of essential workers. The reason why I pose question it is that I am suspicious that those Essential Services, for example, these industries which have now been entitled like health for oil and like many others, have been like health for example. Now what the meaning of health services. Now is what is the meaning of health services and health if we find there are hospital services and health services it means that those services that you do not understand are being looked after by the Ministry of Health. You could not understand that that very easily. You could only understand that there is a dispensary which is falling under the health services, there is a health centre, there is a hospital or there is a place where you could go and get some treatment, and the health services are classified with such services as sweeping the latrines within the city council.

This list is confusing.

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

[The Speaker (Mr. Slide) resumed the Chair]

Mr. Kiprotich: On a point of order, Mr. Deputy Speaker, I think the hon. Member speaking is just referring to some sections. Could he read section 9—

Mr. Oduya: Read the whole Bill!

Mr. Kiprotich: Do not be stupid.

The Deputy Speaker (Dr. De Souza): Mr. Oduya, please do not do that again.

Mr. Kiprotich, please address yourself to the Chair.

Mr. Kiprotich: Mr. Deputy Speaker, Sir, there are some people who cannot produce anything in this House and I am not going to listen to them.

My point of order is this, Mr. Deputy Speaker, the hon.—

The Deputy Speaker (Dr. De Souza): Will you state your point of order or sit down.

Mr. Omasi: On clause 8, Mr. Deputy Speaker, the point I wanted to raise with the Assistant Minister for Labour is that of the matters to be referred by the parties. Supposing one party refuses to refer the matter to the tribunal, what would happen? Supposing the employers refused to agree that the matter should go to the tribunal; what would the trade union or the workers do? We would like the Assistant Minister to tell the House under this clause 8 what would happen when one party refuses to go to the tribunal.

Another point is on clause 19. It is in connection with lock-outs. There are direct lock-out and indirect lock-outs. There are some employers who are very clever. When they want to cause a lock-out, they do not call it a lock-out and what they actually do is to declare workers redundant. They say that they have excess workers and they want to decrease the number, and that itself is an indirect lock-out. Therefore, I do not think that here the workers are sufficiently protected under this clause 19. I would like the Minister to say categorically how the workers will be guarded when a clever employer or group of employers want to cause lock-outs under the pretext that there is redundancy.

An hon. Member: Read 21.

Mr. Omasi: I have read it, my friend, and I am not satisfied with the protection given to the workers under that clause. That is why I have raised this point.

Another point I would like to mention, Mr. Deputy Speaker, is about clause 25 of the Bill, paragraph (2). Here, Mr. Deputy Speaker, I have

found that the freedom of the workers is denied because it states here, "Any person who causes work or refuses to continue work, being work which is under his terms of employment he is bound to do, in circumstances which give rise to a reasonable suspension that he is taking part in or acting in furtherance of an unlawful strike and fails to satisfy the court that he ceased work, or refused to continue work. . . . Mr. Deputy Speaker, Sir, you find here that the worker is denied the freedom to strike—

An hon. Member: It is an illegal strike.

Mr. Omasi: No matter, there is no legal strike. I do not think that there is an illegal or unlawful strike. Every strike is legal because when a man believes that he cannot work under certain terms and conditions of service, that itself is illegal to him. It might be unlawful and illegal to the Government, but to him it is legal because he believes that it is not right; it is not justice for him to do that piece of work. It is a belief just in the same way as a Catholic believes in Jesus and a Muslim believes in Mohammed; it is the same thing with a worker. When he feels that he cannot work over eight hours, when he feels that he cannot work earning about Sh. 5 a day, his belief is very strong and it becomes like a religion to him. Therefore, it is wrong for a person or authority or Government to force him to work under such conditions. Therefore, there is no unlawful strike, every strike is lawful, every strike is legal, according to the belief of the workers. So the question of illegal strike does not arise here at all. Every strike is legal, every strike is lawful.

This clause, Mr. Deputy Speaker, denies the freedom of the worker to strike. This practice has failed in many countries, Mr. Deputy Speaker. I have already said that I have been a trade unionist. I have studied the history of the trade union movement in different countries, of the Eastern and the Western countries, and wherever there has been oppressive legislation against workers, they have always failed. Let us experiment with it here in this country; let us try to avoid those mistakes which were made by other Governments in the Eastern and Western countries. I know the history because I have read about it and I have been to some of the Eastern countries.

Therefore, Mr. Deputy Speaker, it is my strong belief that workers should be left free and if they think that it is necessary to take strike action, they should be allowed to do so, and then the Government would take up the matter and settle it.

Another clause which I think the Minister should also clarify, is clause 36 where it says

[Mr. Omasi]

"The Minister may make an order in writing with respect to any trade union of employees requiring any employer who employs not less than ten members of that trade union—(a) to deduct every month a specified sum in respect of trade union dues from the wages of his employees who are members of that trade union". Here again, Mr. Deputy Speaker, although I support the check-off system, I think it should not be stated here that the number of employees should be over ten members to allow the employers to make a deduction for union dues. It should be left open that even an employer who employs one person could also make arrangements with the union for the deduction of union fees to be made.

Another clause I want to mention, Mr. Deputy Speaker, is clause 37, which I think is unfair. It reads that if the Bill is passed the registered trade unions will have to reapply for registration. Therefore, I do not think it is fair. This Bill might be passed—I do not know, but I doubt it very much—and if it does the trade unions already registered should be recognized by the Registrar of Trade Unions and we should continue with the arrangements already in hand, especially in the unions where arrangements have already been made between the employers and employees for deduction of union dues; it should just be left like that and there is no need for such trade unions to make an application to the Minister who would then probably make his order and allow the employers to continue deducting union dues.

A further point I want to raise, Mr. Deputy Speaker, is that of the Essential Services. Here we are given a list of the Essential Services and the first one is water services. I feel that this is really necessary because a human being cannot live a day or two without water, so I agree that water services should be under the list of Essential Services. The second is electricity services. I doubt very much, Mr. Deputy Speaker, that this one is really necessary and, therefore, I propose that it should be deleted from the list of Essential Services. The third one is health services and it should also be deleted; it is not necessary. The next, hospital services, is necessary and should be included in the list. Sanitary services is not essential; air traffic control is not essential, civil aviation telecommunication services is not essential and should be deleted; the meteorological services of the East African Meteorological Department is not essential; but the fire services of the Government is essential. Mr. Deputy Speaker, I do not think that air transport is essential and it should, therefore, be deleted. Supply and distribution of fuel, petrol,

oil, power and light is not essential. I think this is only here to protect the petrol companies. If I understand it clearly, I think it refers to the workers in the petrol station which, I think, is not essential at all because sometimes they have been on strike and—

Mr. Kiprotich: On a point of order, Mr. Deputy Speaker, I think the present speaker is confused. If one day there is an accident on the road and there is nothing—

The Deputy Speaker (Dr. De Souza): Mr. Kiprotich, I am sorry, but you should know quite well by now what is a point of order. You cannot stand on a point of order to interrupt a speaker and tell him he is confused, that if there is an accident on the road something may happen. That is a speech and you have already made your speech; you have already had your chance to speak. You cannot interrupt the speaker on his feet now.

Mr. Omasi: Another item which I feel, Mr. Deputy Speaker, should be deleted is the public transport services, and the last one which I feel should be completely deleted is the port and docks services, including stevedoring and lighting, loading and unloading of cargo. This should be deleted, Mr. Deputy Speaker, it is not Essential Services at all—

An hon. Member: On what grounds?

Mr. Omasi: I will tell you. There is no necessity for this because in the docks what is essential is there, if it is the work of loading and unloading. A ship may come there and sometimes stay out at sea for two or three weeks without getting a berth and there is not any danger of the cargo rotting. Therefore, there is no need at all to put the dock industry under the Essential Services.

I have already said at the outset, Mr. Deputy Speaker, that in the 1940s and 1950s there was certain legislation which required the dock workers to give notice of twenty-one days before they went on strike and that never worked at all. In fact, there were very frequent strikes because dock workers always work closely together and could therefore organize themselves very secretly and go on strike even without the knowledge of the employers or the Government, Mr. Deputy Speaker. I can explain how these illegal strikes were planned and were called. In the docks there are lavatories for the Europeans, the Asians and for the Africans. If the Africans wanted to go on strike, what they did was this. One person went to the African lavatory and wrote that tomorrow we go on strike, so everybody who went to the lavatory read that notice and the following day

[Mr. de Tiplé]

Now, in this, Sir, it was quite inhuman to leave a man who is in need to suffer in their presence, when we have such services as the medical services, maternity services, and all the other services in the big towns. Just to endanger the health of our people, I think no country, no nation, which is worth the name of a nation, can really sit aside, idle, and see some of the trouble makers go on inciting others to go on strike, to go on intimidating those who are willing to help at the crucial moment, and not helping them.

Now, as far as this goes, I think this Bill has more or less enlarged the list of the Essential Services, and as such, we hope that it will not be necessary at all to resort to the Ministers' Intervention in any case. Whoever suffers, the workers are ours, and the sufferers will be our own people, until of course, we can arrive at a solution on an agreed basis without necessarily relying on those who are corrupted by foreign money, for their own personal benefit, to interrupt the workers or the trade unions of this country. Of course, when I say foreign money coming into this country, then those who suspect themselves are beginning to shout and interject, because I think they have been overfed somehow, and it is time their masters knew that they are supporting a looting horse.

Now, Sir, I can only hope that the check-off system—I see the hon. Assistant Minister for Labour and Social Services is here and I would like to have an explanation as to how far this check-off system is going to apply, whether it is only confined to the sources of revenue, the internal sources of revenue within the trade union movement of this country, or it extends to the external sources of revenue directed to given individuals, to give foreign purposes, to further their own interests and destroy the smooth running of the smooth organization of the trade union movement of this country, because it is no good having a check-off system which is restricted to the internal trade union movement without having knowledge of what is coming from outside. I think that it is time we spoke a bit of our minds. I keep on hearing my hon. friend calling me ignorant, and I think I have never met an ignorant fellow like him.

The Speaker (Mr. Slade): Now, hon. Members, we cannot have this indulgence in personalities. I will ask Mr. Oduya to cease provoking the hon. Member.

Mr. Oduya: Mrs. Speaker, I was only directing him to understand exactly what the Bill was all about.

Mr. Kiprotich: On a point of order, Mr. Speaker, can a Member speak directly to you when he is sitting?

The Speaker (Mr. Slade): No. He is definitely out of order.

Mr. de Tiplé: Mr. Speaker, the check-off system which I was talking about is a system which I think I understand better than the hon. Member and what my worry is, and this is the worry of every—

QUORUM

Mr. Ekiella: On a point of order, Mr. Speaker, do we have a quorum?

The Speaker (Mr. Slade): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum.

Mr. de Tiplé: So, Mr. Speaker, I do not want to labour the House on this one. The only thing I was trying to stress was the absolute necessity of checking not only the in-coming money from external countries, or foreign countries into this country to build up given officials of a given trade union movement but also to disrupt the democratic trade unions established according to the need of our country as we understand it and this is provided for in this Bill, Sir, and I have no quarrel about it.

Finally, Mr. Speaker, because I feel our Members also deserve the right to make up their minds, we must make it very very clear not only to the Government, but to every worker in this country, that the backbone of any nation depends entirely on its manpower and the working class of the people.

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

(The Deputy Speaker (Dr. De Souza) took the Chair)

Mr. de Tiplé: Of course we must guard against those evil prophets who go on preaching that the Government is doing nothing and if not interested in the workers of this country, and if we can make them feel that we are all part and parcel and we are interested and concerned with the welfare of everybody in this country, I think the welfare of everybody in this country, I think we shall have a good country to be proud of, and we shall have a big nation to be proud of, and it is time that this hickering and the reminiscences and the rest of the mud-slinging stops, and of course I can see my friend there trying to

[Mr. de Tiplé]

to say I hope I have instilled something new in his mind and of course if we start in this spirit then we shall go somewhere. Let us hope that in this Bill which is accepted by trade union and the Government that the leaders of this country will feel themselves duty bound and part and parcel to contribute everything in order to win the whole thing efficiently for the good of all and not just try to make a lot of loose talk or unnecessary distracting criticisms which hold no water. With these few words, Mr. Deputy Speaker, I beg to support.

Mr. Kiprotich: Mr. Deputy Speaker, Sir, I thought this Bill was not going to get a lot of support in this House because the Bill protects the workers and employers. The workers and employers already have the Industrial Relations Charter.

I should like to say few words on this Bill. In my own constituency I have tea workers and mixed farm workers. There are some people who are out of work and they come out and organize workers for a strike in order to get more money for the workers. I will say this. Anyone in this House or outside this House will say he is going to support the Bill of the Government. I am supporting it for certain reasons, because I am supporting it for some people here—Mr. Oduya will not be returned. Mr. Oduya did not elect me; I was elected by the workers. So, Mr. Deputy Speaker, Sir, this Bill is protecting the employers, and the workers I do not see any reason why this House should oppose such a Bill while we have the Industrial Relations Charter, which is in existence. If the leaders of the trade unions, if they will oppose the charter first, all right, we will also otherwise; I am not opposing this Bill myself and Mr. Deputy Speaker, I am in support of this Bill.

Mr. Omar: Thank you very much, Mr. Deputy Speaker, for giving me a chance to express my views on this Bill. Before I say anything, Mr. Deputy Speaker, I would like to state that I am one of the founder members of the Dockworkers Union in this country, known as the Dockworkers Union and I have been a worker myself and therefore when I speak, I speak for the interest of the workers because I know today I am a Member of Parliament and tomorrow I may be a worker. Even if I were lucky enough to become an employer, I would still not support such a Bill because this Bill is oppressive, this Bill gives greater power, dictatorial power to the Minister, this Bill denies individual rights of the workers, this Bill does not at all look after the

interests of workers, therefore I am strongly opposed to the Bill, Mr. Deputy Speaker. I am not opposing it because probably I have fallen in love with the education that is given in the Lumumba Institute. No, this is not so, I am opposing it because of the principle, because I believe that if this Bill passes through, the majority of the workers in this country are going to suffer and when they suffer they will become difficult to the Government. There was a time in this country, Mr. Deputy Speaker, when there was such legislation and at that time I was a dock worker. It was required that if workers wanted to go on strike they had to give a notice of twenty-one days, but that law never worked at all. The workers secretly organized the staff and some of them used to go to the lavatories and write a notice on the wall that we must go on strike on such and such a date. The strike used to take place even without the knowledge of the employers and even without the knowledge of the Government. The Government should not think that by having such a strict Bill it can protect the interests of the employers, it is not true at all according to my own experience. Such a Bill has failed during the colonial days and now, especially when we have educated the workers, I do not think that this Bill will really serve its purpose since the workers have been given an education on trade union movement.

Mr. Deputy Speaker, if you look at clause 5 of this Bill, you find that the Minister has been given very wide powers because he has the power under this clause to accept or reject the report under the trade dispute. The workers might have a justifiable dispute reported to the Minister, but the Minister has the power to accept it or reject it. Here you find that the Minister has dictatorial power because he has been given power to decide which is a justifiable trade dispute and which is not. It may be a justifiable dispute and still the Minister can reject it, because he does not want strikes to take place, because probably he does not want the matter to go to a tribunal or to the Industrial Court. Therefore, this is a very bad thing which the Government should try to avoid and not give the Minister of Labour such great powers.

Another clause, Mr. Deputy Speaker, which is also very bad is clause 8 of this Bill. Clause 8 (1) says, "Where there is failure to effect a settlement of a trade dispute under section 6 or section 7 of this Act, the Minister may, subject as hereinafter provided and if the parties to the dispute consent, refer the dispute to an Arbitration Tribunal appointed under this section."

Now, you find that—

[The Assistant Minister for Education]

can discuss this matter, and then immediately the workers say "right we are not going through this practice, we are not going to collect the money", and then the workers are called out on strike. This, Mr. Speaker, Sir, punishes many people in the city, many people who walk through heavy rains, because of just one little mistake which could have been avoided. I think that this Bill stops this sort of thing happening in the industries by allowing the Minister to enforce the existing machinery to be allowed first, and if that proves impossible then I do not think the workers' right of strike has been taken away from them.

So, Mr. Speaker, Sir, I personally support this Bill and I hope that many hon. Members will see the need of supporting it, and let it go through, so that we can have a peaceful industrial development in this country without many unnecessary strikes which we have had in the past.

Mr. ole Tipts: Mr. Speaker, Sir, I rise to support the Bill before the House, and the only unfortunate part of it is that this Bill was not introduced earlier than this, because had it been introduced earlier then we would have benefited enormously from what the country has already wasted by those who are not out to build and reconstruct the economy of this country.

Now, Mr. Speaker, having said that I would just like to speak on general terms on the Bill before the House. Firstly, the point that concerns us is this, that we must make it absolutely clear that this Government is the Government of the people, by the people of this country.

I hear my old friend referring, Mr. Speaker, Sir, and shouting on my left, but I think the time has come for him to reconsider his mentality otherwise we will send him to Mathari. The Government of this country is by the people and for the people of this country. Anybody who doubts that, then of course, he has no place in the building of our nation.

Mr. Odoyo: On a point of order, Mr. Speaker, Sir, is my friend here suggesting that one of these days I will be taken to Mathari? Can he substantiate that?

Mr. ole Tipts: Mr. Speaker, Sir, I never suggested anything of the sort. What I said was this: Anybody who thinks to the contrary of our nation building must really be taken to Mathari. That is all I said.

The Speaker (Mr. Slade): It was in order for the hon. Member to say it in that way, because he was not referring to anybody in particular.

QUORUM

Mr. Muti: On a point of order, Mr. Speaker, do we have a quorum?

The Speaker (Mr. Slade): No, we do not. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now.

Mr. ole Tipts: Mr. Speaker, if I may continue, what I was saying is this, that in the difficult task that lays before us in the reconstruction of the various aspects which are bound to make Kenya one of the biggest nations in Africa, we must not allow, at any cost, any destructive element to play its part in trying to destroy what we are trying to do. Now, having said this, Sir, it is a fact, and a fact which must be borne in mind by everybody, that the Government of this country is more concerned, than those big-mouthed persons who rise to shout on political platforms, to try and build themselves up. The Government is more concerned on the well-being of every person in this country, and if the trade unions, themselves, have welcomed this Bill, then I do not see the reason at all for any Member to try and stand and ask questions. We started the labour movement here before those who are trying to question were born.

An hon. Member: You are a stooge of the white settler.

Mr. ole Tipts: You can say a stooge of the white settler, but I am not a stooge of the red settler.

The Speaker (Mr. Slade): Mr. Odoyo, you must be careful. I have warned you many times about this word.

Mr. ole Tipts: Mr. Speaker, if I may come down a bit, despite the unnecessary, uncalculated interjections from my friends, the position is this: Is any Member elected by a popular vote in this people of this country here to shout his master's voice or is he here for the nation-building of the country? I for one have never been a stooge of anybody in Parliament, and you, Mr. Speaker, will bear me out that when there were only fourteen of us with black faces in this House, fighting the majority of the white fellows in this country who were dominating us, some of these guys were just planting potatoes somewhere in the bush.

The Speaker (Mr. Slade): I hope that you are not referring to hon. Members as "guy".

Mr. ole Tipts: I withdraw that, Mr. Speaker.

[Mr. ole Tipts]

Now, Sir, the position as I see it is very clear in my mind. Now, if we, who are supposed to be the leaders of this country, instilled into the minds of those who we are supposed to lead, suspicion and fears, what will the ordinary man in the street think of the present Government, in the African Government. If there are any mistakes, we shall seriously tell them that they are not working for the good of the workers, and let us stand here and point out those mistakes or those loopholes which might appear in the Bill here, rather than try to generalize things, and appoint ourselves as the mere advocates of the workers. Of course, some of us here have really worked hard in the matter for a very few years. This is a fact.

Now, Mr. Speaker, I think I will face you because, the hon. gentleman is trying to provoke me unnecessarily. May I tell him that what I have done he has never done in his life: He has never worked for Sh. 4 a month. He just left the bush and was elected to this Parliament—

The Speaker (Mr. Slade): Order, you must not make personal remarks about the Members. They are entirely irrelevant to the Bill.

Mr. ole Tipts: Mr. Speaker, the hon. Member is trying to detract me from the point I was trying to make. I will ignore him because he does not know what he is talking about, and if he says I have no material, he has not the heart either—

The Speaker (Mr. Slade): I should leave the hon. Member alone and carry on with the Bill.

Mr. ole Tipts: Now, Mr. Speaker, the thing is this, that there is one loophole as far as this Bill is concerned. Firstly, I am not personally satisfied with the protections provided in this Bill as far as our agricultural workers are concerned, and when I say this, we must bear in mind that the majority of agricultural workers are now employed by the Africans, and we cannot copy the previous exploitations by the white employers of agricultural workers to the black employers of agricultural workers. This must be gone into. I am not at all trying to say anything. I might be entirely wrong on this one, but I shall need to be corrected. If there is any minimum wage fixed for the agricultural workers' industry, then we must be told in what areas or in what provinces, or in what sectors of the agricultural industries these apply, because we know, Mr. Speaker, that in the rural areas the wages to these workers vary from one district to another. I might be told that, of course, the standard of

living differs from one district to another. This might be correct, but the fact of the matter is this, that we cannot accept to vary from one employer to another in the same district.

Now, Mr. Speaker, as far as the powers vested with the Minister to declare some strikes as being illegal is concerned, I think he has acted rightly, and if my hon. friend wants to step in and become the Minister, I do not think there is any hope. He can keep on daydreaming.

Now, I would like to suggest to you, Sir, that we must have a code of declaring these strikes illegal.

An hon. Member: Shame on you.

Mr. ole Tipts: Whoever tries to shout shame on me should really be ashamed of himself.

Mr. Bonnet: On a point of order, Mr. Speaker, is the hon. Member right to call some people the stooges of the people?

The Speaker (Mr. Slade): I never heard him.

Mr. Kiprotich: On a point of order, Mr. Speaker, the person who is saying I was a Nairobi Ambassador.

The Speaker (Mr. Slade): I am sorry, but I did not hear him.

Hon. Members know very well that the word "stooge" is not to be used of any Member in this House, and if I hear it used by any Member in this House he will be asked to leave the Chamber, but, I did not hear it.

Mr. ole Tipts: Mr. Speaker, Sir, what I mean by carrying a code whereby the strikes can be declared illegal by the Minister is that there must be some genuine cases where the workers in that particular trade union have a very strong case for calling a strike. Now, the machinery is already provided in this Bill to deal with that, but we should dismiss lightly that in this country we still have some hot-headed employers, officially some of them non-Africans, and the Government must deal with them very effectively. My hon. friend, the Specially Elected Member, Mr. Ochwada says that even some African friends. Yes, I agree. Any employer who is out to exploit the workers of this country must be treated by the Government ruthlessly.

Now, when we come to the Essential Services, I think the weakness in the past was that we narrowed down the list of the Essential Services, and even in the old days when the colonialists in this country ruled over us, we had a humane code of regulations, which the Masai have always had anyway.

(Consideration of Report of Bill ordered for today by leave of the House)

Consideration of Report and Third Reading

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the Whole House in the said Report.

The Assistant Minister for Education (Mr. Mutiso) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Speaker, Sir, I beg to move that the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill, 1965, be now read a Third Time.

The Assistant Minister for Education (Mr. Mutiso) seconded.

(Question proposed)

(Question put and agreed to)

(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)

BILL

Second Reading

THE TRADE DISPUTES BILL

(Minister for Labour and Social Service on 28th April 1965)

(Resumption of debate interrupted on 28th April 1965)

The Speaker (Mr. Slade): Mr. Mboya was speaking when we broke off yesterday, but I see he is not here. Does any hon. Member wish to speak?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, this Bill is one of those Bill which this country has really been longing for for many years in that the Bill itself provides for the safeguard of all citizens of this country and that, Mr. Speaker, includes the workers, the employers and everybody in this country, against any irresponsible employers, trade union, or any group of persons.

Mr. Speaker, Sir, as examples have already been given that previously there have been some

strikes which even touched one of the Essential Services of this country which we very dearly need in this country. I for one, Mr. Speaker, Sir, feel that it is very important that Kenya as a developing country, and as a country which is having to work towards African socialism must have a Government which does not merely see the sight and watch its resources being rendered to a great confusion by mere irresponsible people who might be either the workers or the employers, because, Mr. Speaker, Sir, you realize that one of the things which hinder the progress of our country is poverty and so money and normally the strikes may start either from the worker's side or from the employer's side, because you find that in most industries, and if we could go into details and find out how many strikes there have been, you will find that most of the strikes which have taken place could have been avoided, if at all there was machinery whereby the Minister had the power to come in between and act impartially and force the existing machinery to be followed by the two sides. Therefore, Mr. Speaker, Sir, I think this Bill gives the Minister such powers so that in any organized movements, in any industry where the workers are organized and in any enterprise where the employer has a large business, this particular employer should, by all means, be a member of the employers' organization whereby he will be answerable to the employers which deal directly with the trade union, and as a result, Mr. Speaker, Sir, you find that the strikes will be avoided, because if the Minister now comes in where there is a dispute before any action is taken he will try to find out who is at fault. Finally he will order that the existing machinery must be followed before a strike or action or lock-out is taken. I think Mr. Speaker, Sir, that this is a Bill which should be welcomed by any sensible person in this country because Kenya, as I said before, is developing country which should avoid as much as possible, some of these unnecessary strikes which I think are caused mainly by a misunderstanding, which could be avoided.

Secondly, Mr. Speaker, Sir, before this Bill was introduced in this House there was a wild rumour or claim by some people that it is intended to curb the activities of the unions. This, Mr. Speaker, Sir, is quite untrue, because the Bill in one way enables the Minister to come in as an independent arbitrator and this, from my own experience as a trade unionist in the past, where the trade unions were organized and the workers are members of the trade union and the employers as well are members of the employers' organization, it would be a very easy thing for the workers to express their views through the

(The Assistant Minister for Education)

trade union leaders and also the employer will be compelled through the employers' organization to listen to whatever reasons the workers have. Therefore, I think, Mr. Speaker, Sir, that the unions of the workers in the country should not be misled by anybody in believing that the Bill is trying to curb the activities of a strike, to take away their right of a strike. This is not the way, Mr. Speaker, Sir. In fact the Bill has given workers more opportunities to organize themselves, it has even provided a check-off system, which in the past, Mr. Speaker, before the unions were well organized and could not very effectively run their organization because they were lacking funds although the members were willing to contribute. Not very many of them could, at the end of the month, really afford their union dues, and I think, according to what the Minister said yesterday, when he was moving this Bill, that he is quite willing to introduce a check-off system to any union which applies for it. I think, Mr. Speaker, Sir, that this is a very good gesture on the part of the Ministry for the unions, for them to be allowed, at this particular moment, for the Government to make it a law, that whenever a union applies for a check-off system it will be the duty of the Ministry or the Minister for Labour and Social Services to tell the employer that this must be applied, and I think this, Mr. Speaker, Sir, will enrich our union organization in the country, and it will be open to them, now to challenge the employers' organization through the Industrial Court.

The other thing, Mr. Speaker, Sir, which I think is very important is the question of the existence of the Industrial Court because this, Mr. Speaker, Sir, in the past, and also pioneers in the labour movement in this country were for many years demanding the introduction of the Industrial Court so that the workers' grievances could be heard fairly and the workers could explain their views through an independent and impartial chairman, and I think, Mr. Speaker, Sir, we have reached a pitch whereby now it is open to the unions themselves for the trade union leaders to show their sense of responsibility. To show that they represent the workers and that if they take the workers' case before the Industrial Court, it will be open to them and will be set free for them to express their views and to put their cases forward and if it is a genuine case, Mr. Speaker, Sir, then I am quite sure that the workers would every time be on the winning side. I also think, Mr. Speaker, Sir, that the position which gives the workers every chance, because the unions will be reached, because there will be a constant income through the check-off

system and then they will be able to put their case through the Industrial Court, and as a result, Mr. Speaker, Sir, you will find that now we shall be in a position to minimize the external influence which has been coming into this country through the so-called financial aid. This has been coming, Mr. Speaker, Sir, because most of our unions are not financially independent and now that the Minister has seen it fit to agree that he is prepared to allow the check-off system to be introduced in certain unions, the ones which do apply for it, then I am quite confident that the unions will be financially sound and they will cut off their external influences which come through these financial aids. As a result of this, Mr. Speaker, Sir, we shall reduce the ideological warfare which is taking place in our country.

Mr. Speaker, Sir, the other point which I would like to point out is that for many years we have experienced a lot of unnecessary lock-outs or unnecessary strikes which normally are caused due to the fact that most of the employers in the country were very negative to ask for the organization or the reorganization of the workers, and I think now, Mr. Speaker, Sir, that we have very responsible trade unions in the country, and these unions, at the moment, through the historical activities of the unions in Kenya, are quite capable of representing the workers at Court of Law, and therefore, I think, Mr. Speaker, Sir, this Bill gives the workers and the employers equal rights for them to challenge one another through the Industrial Court. I also think, Mr. Speaker, Sir, that now there will be no question of the workers saying that or the unions saying that they are not able to put their case across to the Industrial Court because of lack of finance or lack of trust since now the Minister has agreed to allow the check-off system.

Mr. Speaker, Sir, I think that this Bill should be given every support that is necessary so that we can start immediately acting on it by giving the workers their rights of bringing the case to the Industrial Courts and also by trying to stop the unnecessary strikes which normally are started as a result of a little misunderstanding on the part of the foreman or the shop steward, and as a result of this the workers come out on an immediate strike. This, Mr. Speaker, creates many difficulties to many people who are not involved in this case. For example, Mr. Speaker, Sir, you realize that at the moment there is a lot of grain in the country, and if the workers, say in the milling industry, say that they are going on strike because a foreman has beaten a shop steward, and when they brought the case to the management, they said that they could not listen to this case now there is machinery whereby we

[The Assistant Minister for Commerce and Industry]

That clause 17 of the Bill be amended by inserting immediately after the word "Government" the words "or the Organization".

(Question of the amendment that the words to be inserted be inserted proposed)

Mr. Omar: I am really wondering, Mr. Chairman, whether I ought to speak at this stage or later on.

The Chairman (Dr. De Souza): The debate is on clause 17 as a whole, it is not only on the amendment but the clause itself.

Mr. Omar: Mr. Chairman, I was going to ask the Assistant Minister to tell the House the arrangement under which is going to be adopted, because there are some local authorities who are landlords and they rent their premises for shops like butcheries, etc., to tenants, and it may be that the tenants will not be satisfied with the rent that they pay to the local authorities. We have these local authorities, Mr. Chairman, in Nairobi, in Mombasa, whereby the local authorities are the landlords and they rent shops to tenants, so we want to know what arrangements there are for those tenants of the local authorities; if they have complaints, to whom should they take those complaints?

Mr. Warilthi: Mr. Chairman, on clause 17, while I welcome the amendment proposed by the Assistant Minister, just to complete the list of the authorities which are exempted from this Act, but the point on which I would like to get an explanation from the Assistant Minister is this. It was maybe touched on yesterday by the Minister, but even now I would like it to be properly explained.

This Act provides the way of fixing rents, complaints, referring the matter to tribunals of tenants who are dissatisfied with the rents they are charged by the landlords, but here we have found that the Government and local authorities are exempt from the provisions of this Act. Just emphasizing the point raised by the hon. Mr. Omar, we would like to know what arrangements there are for Government premises. We know that they rent shops, beerhalls, establishments, restaurants. How are they going to fix their terms of tenancy, so that the tenants will not have any need to complain or go to tribunal? I think it is a bit unfair that the private landlords are subjected to this law, whereas the Government itself has decided to exempt itself from the provisions of this Act. Can we know from the Assistant Minister the reasons behind this?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Mr. Chairman, Sir, according to clause 17, the amendment was moved to remove the word "Government", Sir, and replacing it by "Organization", and I think, Mr. Chairman, Sir—

The Chairman (Dr. De Souza): I am afraid that is not correct. It does not remove the word "Government", it merely adds the words "or the Organization".

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Yes, clause 17 of the Bill is to be amended by inserting immediately after the word "Government" the words "or the Organization".

The Chairman (Dr. De Souza): I thought you said it removed the word "Government".

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): No, I did not say that. Therefore, I am not quite clear about the point Mr. Omar raised and I think that the tribunal or the organization, be it from private members of the public or from the Government, will deal with accordingly by these appointed persons of the tribunals.

Mr. Warilthi: Mr. Chairman, my point has not been answered by the Assistant Minister. I do not know whether I should repeat it again.

The point on which I would like clarification is this. How is the Government going to satisfy a tenant in giving a lease, to the extent that there will be no need for them to make use of the provisions of this Act, because section 17 of the Government, local authorities and the organization are exempt from the provision of this Act, so is the city council and all the rest? As I said, Mr. Chairman, we do know that they rent premises, not private premises but hotels, bars, shops, and butcheries. This Act will not be applicable to these authorities, so what are the tenants going to do if they are dissatisfied? Why is it that the Government has decided to exempt itself from the provisions of this Act?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Mr. Chairman, Sir, I think it is not discriminatory at all. We know that the Government of Kenya is the ruling Government and we expect the Government to rule its people well and treat its citizens well. Therefore, Mr. Chairman, I do not think at all that the Government, although it will rent premises and the city council will rent premises, will give unfair treatment to the tenants who might rent their shops from the city council or from the local authorities or the Government.

Mr. Omar: Mr. Chairman, I think the Assistant Minister here is a little bit confused because he does not give a straight answer to the question put by hon. Warilthi and I. What we would like, Mr. Chairman, to be explained by the Assistant Minister, is that since the Government and the local authorities are excluded from this law, we would like to know the arrangements, under which the tenants of the local authorities in towns like Mombasa, Nairobi, and Kisumu rent their premises and what arrangements there are to protect the interests of these tenants who rent shops from the local authorities. Because, Mr. Chairman, what I can see here is that in some other towns there are better buildings which are owned by individual landlords and perhaps the tenants of these buildings would go to the tribunal and complain and the tribunal will hear their case and do something about it. You will find that the rents which are charged by the local authorities are very high in comparison to the rents charged by individual landlords and the tenants renting from the local authorities would like to take their complaint where it can be listened to and something done about it. I am much concerned about tenants of the local authorities. What arrangements are there for the tenants of the local authorities if there are complaints. Where will they take their complaints to?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Mr. Chairman, Sir, it is well known that when anybody has got a complaint and he is renting a shop from city council or local councils or county councils, if he is dissatisfied, Mr. Chairman, Sir, I think he has the right to complain directly to the local council concerned or to the city council, of which I think as I said previously, that the local government or the city council is part and parcel of the Government; of course the city council or the local authority will hear the complaints of the tenants in the same manner as if it were the tribunal.

Mr. Warilthi: Mr. Chairman, Sir, I do not know whether the Assistant Minister is trying to refuse to answer this point or maybe he is not aware of the provisions of this Bill. This Bill is aware of the provisions of this Bill, and when the Minister replied he stated that the inspectors to be appointed would be assessing the rents by the buildings. Now in this case the premises or buildings owned by this Government or local authorities are not to be reassessed there will be no authority on which the rent will be set under this Act, and what we want to know is if a tenant is dissatisfied by the rents charged

by the local authority or by the Government and he cannot refer to the tribunal set-up under this Act, what is he going to do? Has the Government satisfied itself that these people will be satisfied and there will be no need for them to feel that they are being exploited by the Government or the local authorities like any other tenants of private premises?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Mr. Chairman, Sir, I think as I said earlier—I am not trying to escape replying to this and it is not that I do not know the provisions of this, but as I said, I hope that all those tenants who are renting shops or premises from the Government or local authorities will have a fair hearing from the city council or the local authority and I hope they will be treated fairly well on their rents.

(Question of the amendment that the words to be inserted be inserted put and agreed to)

(Clause 17 agreed to)

(Title agreed to)

(Clause 4 agreed to)

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Landlords and Tenants (Shops, Hotels and Catering Establishments) Bill, and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Report

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL.

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report that the Committee has considered the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill and approved thereof with amendment.

The Speaker (Mr. Slade): Consideration of report tomorrow?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipit): Today, Sir.

The Speaker (Mr. Slade): It is our practice when there have been amendments in Committee when there have been amendments in Committee not to consider the report the same day, but by leave of the House we will do so. If no hon. Member objects, we will move to the consideration.

[Mr. Somu]

- (b) How such a programme was going to be implemented in each province.
- (c) What efforts were being made immediately to get suitable teachers from overseas before our own programme produced the teachers.

The Assistant Minister for Education. (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply.

(a) It is not intended to institute courses of training for teachers in the *Harambee* schools specifically. As is generally known, a crash programme to prepare P.I. teachers for service in secondary schools is now under way. They are all teaching in established schools, where they get the best in-service training, but it is expected that some of them will find their way to *Harambee* schools when they finish their course. It is obvious that only people who have themselves, at least, completed a secondary school course satisfactorily, are suitable for training as teachers in secondary schools. There is a place in a training course of this kind available for every qualified student who applies for training and this fact is known to every secondary school-leaver.

(b) The crash programme of training is being organized on a national, not a provincial basis. Similarly, all normal training of non-graduate secondary teachers, is concentrated at the new Kenyatta College, where places are available for all qualified students from all parts of the country. The training of graduate teachers takes place at Makerere, and all Kenya graduates offering themselves for training, receive full salary during their course.

(c) The recruitment of expatriate teachers is proceeding as fast as possible, and an officer of my Ministry has just returned from London, where he conducted our second special drive for teachers, which has yielded 100 British graduate teachers. These special drives are planned to satisfy future needs.

Mr. Shikuku: Arising from the Assistant Minister's reply, Sir, he told the House that the training is going on of teachers who will take up teaching in the *Harambee* schools. What is going to happen in the meantime while these people are being trained? Would it not, therefore, Mr. Speaker, be sensible to try and institute a system similar to that one in countries overseas where graduates are supposed to serve in the army for three years before taking up a profession; could we not institute the same here so that Makerere graduates could be kept here for a time teaching our students?

Mr. Mutiso: No, Sir, this is not possible, because one of the conditions of establishing a *Harambee* secondary school is for the people themselves to think of their constituents first before they think of establishing a school.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is he aware that if the Government itself is in difficulties in finding teachers, it is physically impossible for the people in the countryside to find teachers when the Government itself is in trouble with the teachers? Therefore, we should accept this suggestion as sensible.

Mr. Mutiso: Mr. Speaker, if the hon. Member was listening when I replied to the question, I did state that we have already organized a crash programme whereby we intend to train more teachers, and some of these teachers are going to secondary schools.

Mr. Ndile: Mr. Speaker, Sir, the Assistant Minister has just told us that his Minister has been able to get about 100 graduates from London, so will he tell the House when these graduates will be available to teach in our schools?

Mr. Mutiso: I said, Mr. Speaker, that an offer from our Ministry has just returned from London, and he succeeded in getting about 100 graduates from the British universities. These graduates will soon be in the country, and it is found that some of them can find positions in the *Harambee* schools, then this will be no problem.

Mr. Glehoyr: Arising from the previous reply from the Assistant Minister, that in a school, before it is started, the management ought to have the teachers, and these *Harambee* schools allowed to negotiate with other countries, so as to arrange for their own teachers if the Minister is not able to help them?

Mr. Mutiso: Mr. Speaker, Sir, I am quite sure that the hon. Member is quite aware that the *Harambee* secondary schools are not just Government schools, and the system which we have in the Ministry of getting teachers from overseas is that these people can only teach in the Government-aided schools, but not in independent schools. If the people who want to establish a *Harambee* school can find their way to getting teachers from anywhere, that is their own business.

BILL

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 LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL

Clause 2

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Chairman, Sir, the House was promised yesterday by the Minister for Commerce and Industry that he would extend the meaning of the word "shop" to include all types and groups of trade. Therefore, I beg to move the following amendment:

THAT the definition of "shop" which appears in clause 2 of the Bill be amended by inserting immediately after the word "retail" the words "or wholesale" and by adding immediately after the word "business" the words "or for the purpose of rendering services for money or money's worth".

(Question of the amendment that the words to be inserted be inserted proposed put and agreed to)

(Clause 2 as amended agreed to)

(Clauses 3, 4 and 5 agreed to)

Clause 6

Mr. Omar: Mr. Chairman, I have a few points to make on clause 6 where it says, "A tenant who wishes to oppose a notice of termination or alteration served on him by the landlord under the provisions of section 4 of this Act..."

[The Deputy Chairman (Mr. Slade) left the Chair]

[The Chairman (Dr. De Souza) took the Chair]

During the Second Reading of this Bill, Mr. Chairman, I expressed my views and asked the Minister about a tenant who cannot afford to pay the fees for the tribunal, and the Minister when he was replying, but I did not hear it, so I would like the Assistant Minister to tell the House what will happen if a tenant cannot afford to pay the tribunal fees; what will happen to him? Probably he would be willing to take the matter to the tribunal, but he has no money to pay the tribunal fees.

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Chairman, Sir, I think the Minister for Commerce and Industry yesterday replied to the views expressed by the hon. Member, my friend Mr. Omar, that it is quite clear that when a person wants to rent any shop it means that he has money to pay the

tenancy. It is quite clear that there is no use to a particular person intending to rent a shop if he does not have any money at all. It was made quite clear that anybody who wants to rent a shop must see that he has sufficient money to do so, otherwise he should not rent a shop if he has no money at all. I think that was made clear yesterday by the Minister for Commerce and Industry.

The question of borrowing, Sir, does not arise here. Money is given to people to borrow money who have businesses already and anybody who has a business, Mr. Chairman, Sir, must have money. Therefore, this was clearly answered yesterday by the Minister, Sir.

(Clause 6 agreed to)

(Clauses 7, 8, 9 and 10 agreed to)

Clause 11

Mr. Omar: Mr. Chairman, Sir, under this clause I would like the Minister to tell us something because it says here, "A tribunal shall consist of a person or persons appointed as such by the Minister..." We would like to know the number of persons in case the Minister feels that he would appoint more than one person; we would like to know the number of persons who will be appointed. I am asking this question, Mr. Chairman, because it is going to involve payment of money as it says in subsection (2), "Persons other than public officers appointed under the provisions of subsection (1) of this section shall be paid such emoluments or allowances as the Minister shall determine." So we would like to know the limited number of persons who can be appointed as a tribunal.

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Chairman, Sir, I do not think there is any limited number, as mentioned in this Bill, Sir. In fact, when appointing persons, it might be a tribunal, you need know that whenever there is a tribunal, you need know a fair number to express views and to discuss how to deal with such an idea, but you cannot expect a tribunal to be composed of one person.

(Clause 11 agreed to)

(Clauses 12, 13, 14, 15 and 16 agreed to)

Clause 17

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Chairman, Sir, I beg to move the following amendment on this particular clause. The purpose of moving this amendment to clause 17 is to include the East African Common Services Organisation. The amendment reads as follows:

[The Assistant Minister for Local Government] welfare of the African public it would be failing in its duty if the funds were to be directed towards enriching the pockets of a few individuals. If the profits are made to accommodate few private individuals, there must result a short-fall of income to pay for either the social services and amenities, grants to public bodies, Lady Grigg, schools and last and not least the payment of salaries and wages of African Trust Fund and social services staff. Furthermore, if private sellers are allowed to sell at a price higher than at present, the general public would be laid open to exploitation and the liquor would no longer be cheap for the low earning group; at the same time, the liquor would be laid open to adulteration and control on illegal brews made difficult.

In conclusion I must make it quite clear that the municipal council has no power to issue licences to brew and sell African intoxicating liquor.

Mr. Komora: Mr. Speaker, Sir, would the Assistant Minister then consider repealing that Act in order that the co-operative societies can take part in this sell of African liquor?

Mr. Njiriri: Mr. Speaker, Sir, No.

Mr. Komora: Mr. Speaker, Sir, would the Assistant Minister tell the House the reason why he cannot repeal that particular Act, to enable poor Africans to participate in this business?

Mr. Njiriri: Mr. Speaker, Sir, that section is under the municipal council and I would like to inform the hon. Member that..... (Inaudible)

Mr. Omas: Mr. Speaker, Sir, is the Assistant Minister aware that the poor and unemployed Africans were waiting for this reply so that if it is negative they may boycott the drink?

Mr. Njiriri: Mr. Speaker, Sir, the last time I was in Mombasa..... (Inaudible) and as far as I know there were some..... (Inaudible)

Mr. Somo: Mr. Speaker, Sir, as far as the council is connected with this Ministry, could the Assistant Minister find out why the poor people are not being permitted to be given licences to sell the liquor?

Mr. Njiriri: Mr. Speaker, Sir, we have done everything we could as far as Africans are concerned.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that there are more than 30,000 unemployed and poor Africans in Mombasa, would it be practical to give licences to all these people?

Mr. Njiriri: Mr. Speaker, Sir, that would be impossible.

Question No. 1089

EQUAL PAY FOR EQUAL WORK: RAILWAY EMPLOYEES

Mr. Godia: Mr. Speaker, Sir, the Minister for Works, Communications and Power whether the Minister would recommend to the Railway Administration immediate adoption of a policy of "Equal pay for equal work" in Kenya. Secondly, if he would consider the removal of inducement privileges offered to man-citizens of Kenya within the Railways and Harbours Administration.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The policy of the East African Railways and Harbours Administration is "Equal pay for equal work", but there are two exceptions, Mr. Speaker, Sir, to this policy.

One is that there are differences in low wages paid to employees working in rural areas and those working in the other areas, because of the differences in the cost of living.

Secondly, also, Mr. Speaker, Sir, there are those officers whose terms of service have not yet been adjusted to fit in with a report which is called the Harries Report which was implemented in 1962 and these are expatriate officers who have been seconded to the Railways from overseas.

Mr. Godia: Mr. Speaker, Sir, would the Minister not agree with me that the recent strike by the Kenya African Railway Union during the past few days was due to the fact that seventy-seven officers were paid more than the Africans although they were doing the same job?

Mr. Mwanjumba: Mr. Speaker, Sir, I do not agree that that was the reason why there was any dispute with the railways trade unions, but the fact is that these expatriate officers are paid the same inducement benefits because of the agreement which Kenya has with, say, a country like Great Britain.

Mr. Kipruthi: Mr. Speaker, Sir, when is the Minister going to implement "Equal pay for equal work"?

Mr. Mwanjumba: Mr. Speaker, Sir, I have said that this is being done already in the Administration, with the exception of the two categories of employees I have just mentioned. It is already being done, Mr. Speaker, Sir.

Mr. Gichoya: Mr. Speaker, Sir, arising from one of the Minister's replies, is he prepared to tell the House that he is working for the removal of this class of personnel in the Administration who have to be induced to work so that the "Equal pay for equal work" policy is applicable to all?

Mr. Mwanjumba: Mr. Speaker, Sir, the hon. Member knows that it is the policy of the Authority to Africanize posts which can be Africanized, but until they are able to get local officers to fill all these posts, it will be impossible for the Administration to remove the expatriate officers who are doing good work for the country.

Mr. Ochwada: Mr. Speaker, Sir, would the Minister tell the House whether it is true that part of the inducement paid to some of the expatriate employees of the railways is actually not paid by the Railway's Administration but by the British Government?

Mr. Mwanjumba: Mr. Speaker, Sir, that is the case. These expatriate officers are paid part of their salaries by the United Kingdom Government.

Question No. 1096

EVICTON OF AFRICANS FROM TAKAUNGU AND VIPINGO

Mr. Omas: Mr. Speaker, Sir, would the Assistant Minister for Lands and Settlement if he would state the reasons why Africans who were living at Takaungu and Vipingo were being evicted by some Arabs and Vipingo Estate.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. My Ministry is not aware that any Africans have been evicted from Takaungu and Vipingo. However, if the hon. Member for Mombasa Island South has information to this effect and if he wishes to request my Ministry to consider the victims of such eviction for land settlement he is welcome to do so.

My Ministry is prepared to give such a request the most sympathetic consideration.

Mr. Omas: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister not aware that when the Minister for Economic Planning and

Development came to the Coast about three weeks ago, he was told by the persons from these areas, Takaungu and Vipingo Estates, that there were eviction orders served on some people?

Mr. Gachago: Mr. Speaker, Sir, the Minister for Economic Planning and Development, although he is in the same Government, is a little different from the Minister for Lands and Settlement, and whereas there is a collective responsibility, I would like to hope that the Minister for Economic Planning and Development will soon inform my Ministry.

Mr. Omas: Mr. Speaker, Sir, arising from that reply, can the Minister for Economic Planning and Development give assurances in this House that he will go into the matter?

The Speaker (Mr. Slade): No, he is not answering this question.

Mr. Somo: Mr. Speaker, Sir, would the Assistant Minister tell this House that since this has been reported to the Minister for Economic Planning and Development, and it is almost two months old, whether he has received a report or not from the Ministry?

Mr. Gachago: Mr. Speaker, Sir, as I have said, this actually does not concern us. If the Minister for Economic Planning has already been informed, and in any case the Minister is not answerable to the Assistant Minister for Lands and Settlement, as I have said, the only thing my Ministry can do is to assist people who might have suffered as a result of evictions and I do not feel that there is any necessity for pursuing this matter if such an assurance has been given, and if the necessary information has been communicated to the Minister for Economic Planning and Development.

The Speaker (Mr. Slade): Is any hon. Member authorized to ask Mr. Rurumban's question.

Mr. Somo, you are authorized to ask Mr. Ngala's question?

Question No. 2039

TEACHER-TRAINING PROGRAMMES FOR HARARABEE SCHOOLS

Mr. Somo, on behalf of Mr. Ngala, asked the Minister for Education to state—

- (a) When the Ministry intended to start a crash teacher-training programme to cope with the needs of the many Hararabee secondary schools now starting.

[Mr. Gatuguta] there are no textbooks on African socialism; could he then tell this House how African socialism is being taught in the Lumumba Institute?

Mr. Mutiso: Mr. Speaker, the Lumumba Institute is an independent institute which does not necessarily come under the Ministry of Education.

Mr. Ochiwinda: Mr. Speaker, Sir, would the Assistant Minister tell the House whether the Ministry thinks that African socialism as a subject in schools is nationally desirable?

Mr. Mutiso: Mr. Speaker, the question whether African socialism is nationally desirable for our schools is a question for this House to decide.

Mr. Kamuren: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, could he tell the House whether teachers in the Lumumba Institute are not recognized in this country?

The Speaker (Mr. Slade): No, we are getting far away from the question now.

Mr. Gatuguta: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the Lumumba Institute is a private institute, could the Assistant Minister tell us whether they have no responsibility whatsoever to make sure that the education in this country, whether private or Government is in keeping with our policy and so on?

Mr. Malisori-Imbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he assure the House or tell the House what type of socialism is being taught in the Lumumba Institute?

The Speaker (Mr. Slade): Next question.

Mr. Somo: Mr. Speaker, Sir, I beg to ask a question on behalf of the hon. Mr. Ngala.

The Speaker (Mr. Slade): That will come at the end.

Question No. 2033

MARKETING OF EXPORTS

Mr. Malinda asked the Minister for Agriculture and Animal Husbandry if the Minister was aware that all Kenya products (sisal, wattle bark and pyrethrum) were marketed on the international market through "sole agents" having headquarters outside Kenya.

If the answer was in the affirmative, when did the Minister envisage rectifying this

anomaly to enable the handling of Kenya products either by a Government body or by Kenya agents in Kenya?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgoti): Mr. Speaker, Sir, I have not received briefing on this question, and so I cannot answer it.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, in view of the fact that Ministers and Members of Parliament must respect this House and at the same time act accordingly, is it in order for the Assistant Minister for Agriculture, who knows very well that this question was being brought up in this House today, to say that he was not briefed to answer this question?

The Speaker (Mr. Slade): It is not entirely out of order for a Minister to say that he is not ready to answer a question, but it may arouse dissatisfaction in the House if he is not. The House can register its dissatisfaction.

Mr. Malinda: On a point of order, Mr. Speaker, I want to put a little amendment after the word "pyrethrum".

The Speaker (Mr. Slade): I do not think you can at this point.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, it appears there has been some confusion, could the question be called again?

The Assistant Minister for Information, Broadcasting and Tourism (Mr. Otiobip): On a point of order, Mr. Speaker, the confusion is from the Minister for Economic Planning and Development referring to is the confusion with regard to the fact that one of the other Assistant Ministers is just sitting there and not paying any attention to the questions as they are called.

The Speaker (Mr. Slade): Mr. Malinda, would you ask your question again?

Mr. Malinda: Mr. Speaker, before I ask this question, I would like to add "eteetera" after the word "pyrethrum".

I wish to ask Question No. 2033.

The Speaker (Mr. Slade): I would inform hon. Members that they cannot alter their questions at the point when they appear on the Order Paper, though they can correct them before.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to apologize to the House for my lateness, but if it could be remembered that this

[The Assistant Minister for Agriculture and Animal Husbandry] question was put sometime back in this House to the Minister for Marketing and Co-operatives and it was sent to our Ministry which needed a lot of time to answer it. With those remarks, Mr. Speaker, I beg to reply.

My reply is in three parts, Mr. Speaker. The first part concerns sisal. The marketing agencies are based here in Kenya, Mr. Speaker, and any agents, including the hon. Questioner of this question, could apply to the Sisal Board to become a selling agent overseas.

As far as pyrethrum is concerned it is very difficult for us to have agencies based here, because the agencies we have, have to advertise, and sell in the countries in which they are based, this is because of the competition they have with synthetic insecticides overseas, and for that reason we have to base the agencies there to advertise pyrethrum for us.

As far as wattle bark is concerned, Sir we are tied with international agreements which guarantee us from suffering from competition with the wild wattle trees which grow in Central and South America. If we had agencies here, we would be kicked out of the agreement and the wattle bark from the trees which grow wild in Central and South America would flood the market and the wattle bark which we grow would have no chance of selling on the world market. That is the reply.

Mr. Malinda: Mr. Speaker, Sir, arising from that reply, does the Assistant Minister realize that by having these agents outside of Kenya, some countries which could deal direct with Kenya for these commodities do not do so?

Mr. Osogo: Mr. Speaker, Sir, I am sorry, I did not understand the question. I wonder if the hon. Member would be kind enough to repeat it.

Mr. Malinda: Mr. Speaker, Sir, what I meant to say is this, does the Minister realize that by the virtue of fact that these agencies are out of Kenya and there are some countries which would like to trade in these commodities, they cannot do so because these agencies are not in Kenya, can the Assistant Minister tell us what steps he is taking to have this extra trade with countries which will not trade with us while the agencies are outside of Kenya?

Mr. Osogo: Mr. Speaker, Sir, no country has given us an indication that it is not willing to buy such commodities which has sole agents overseas, but if this was brought to our notice, obviously the Government will think of the steps to take.

Mr. Aoyleni: Mr. Speaker, Sir, is the Assistant Minister aware of the fact that Kenya relies on overseas sole agents which encourages the export of the money that Kenya so much requires for its own development?

Mr. Osogo: Mr. Speaker, Sir, I do not agree with the hon. Member on this allegation.

Mr. Gatuguta: Mr. Speaker, Sir, could the Assistant Minister assure this House that the sole agency of all these goods will in the future be controlled by the Kenya National Trading Company?

Mr. Osogo: Mr. Speaker, Sir, I would like to make that assurance, so long as we are not going to be drawn away from the international agreements to which we are tied with some of these commodities.

Mr. Anykeni: Mr. Speaker, Sir, the Assistant Minister has just replied that it is not a direct encouragement of the export of capital to overseas countries. I would like the Assistant Minister to tell us for example, how much it is going to cost the Kenya Government to employ overseas sole agents to import half a million bags of maize from the United States to Kenya?

Mr. Osogo: Mr. Speaker, Sir, the hon. Member is asking something completely different, because he is referring me to the import of a commodity and we are, at this time, arguing on the export of certain Kenya grown products.

Question No. 1094

LICENSING OF LIQUOR-SELLERS: MOMBASA

Mr. Omar asked the Minister for Local Government if he could tell the House the reasons why the Mombasa Municipal Council refused to licence poor and unemployed Africans for the purchase of African liquor from the municipality for resale to consumers in the municipal canteens.

The Assistant Minister for Local Government (Mr. Njiru): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, the Mombasa Municipal Council has been granted the exclusive rights under section 34 of the African Liquor Act to manufacture and sell African intoxicating liquor. The council cannot let out this right to liquor to or to contract. The request in the question was placed before the appropriate committee and the committee were of the unanimous opinion that the African Trust being a fund agreement that the African Trust being a fund devoted to the maintenance of amenities and

[Mr. Bly]

(b) Would the Government remove this sign and replace it with informative signs, showing the various Ministries housed in the building.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

(a) It is sufficiently well known that the Central Government Building is the Office of the Vice-President and it is therefore entirely appropriate that it should bear the said sign. The Vice-President of the Republic of Kenya is second in command. It is therefore in order that the building in which his office is situated must clearly show that fact.

The motive behind the question can only be described as deplorable.

(b) No, Sir. The Government is not prepared to remove the sign. Neither is it prepared to display a stark and monumental example of futility by covering the whole building with a list of the Ministries housed in the building. A vast expanse of space would be required for this unnecessary exercise.

A machinery exists by which any Ministry's offices can be easily found and any intelligent person cannot get lost. At the entrance is a board clearly showing the location of each Ministry.

Mr. Bly: Mr. Speaker, Sir, as this question stands, some of the hon. Members, plus myself, usually get lost when they just want to get to the Ministry of Home Affairs, for example. Could the Government give us some information on where the Ministries which are housed in the Central Government Building are situated?

Dr. Waiyaki: Mr. Speaker, Sir, the hon. Member said that he usually gets lost when he tries to get to the Ministry of Home Affairs. Might I suggest that he might follow the Minister for Home Affairs to his office?

Mr. Mhogobi: Mr. Speaker, in view of the fact that even the other Ministries are located in such places that it is difficult to find them, will the Assistant Minister consider publishing a paper to be distributed to every hon. Member stating exactly where the Ministry is so that nobody gets lost?

Dr. Waiyaki: Mr. Speaker, Sir, as a matter of fact, we were discussing Central Government Building, but if the Members would like a list of all the Ministries, then I suggest that he approaches the hon. Mr. Nyamwaya, who is in the Office of the President.

Mr. ole Tshipi: Mr. Speaker, Sir, could we hear from the Assistant Minister, arising from one of his replies, that the Office of the Vice-President is exclusively for the Vice-President, and if not, why such other Ministries, such as Agriculture, Natural Resources, and so on, are not so-situated as the office of the Minister for So-and-so? We want to know.

The Speaker (Mr. Slade): The Assistant Minister has answered that.

Mr. Ochwada: Mr. Speaker, Sir, since it looks as if the Vice-President's Office is confining Members of Parliament, by its being situated in the Central Government Building, would the Assistant Minister recommend to the Government that the Vice-President's Office should be removed from the Central Government Building, and be given a separate building of its own?

Dr. Waiyaki: Mr. Speaker, Sir, I do not accept that the Office of the Vice-President is confining anybody, let alone a Member of Parliament.

Question No. 1079

POOR SHOWING OF GOATS AT ROYAL SHOW

Mr. Amin asked the Minister for Agriculture and Animal Husbandry why the poorest goats from the North-Eastern Province were shown at the recent Royal Show which lowered the dignity of the North-Eastern Province and Kenya as a whole.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply.

Assuming that by Royal Show, the hon. Member means the last year's show in Nairobi, no goats from the North-Eastern Province were shown at the Show.

Mr. Amin: Mr. Speaker, arising from that reply, there were two goats from the North-Eastern Region, and they changed the name from—

The Speaker (Mr. Slade): Will you repeat that question.

Mr. Amin: Mr. Speaker, I asked whether the Minister was aware that there were two goats from the North-Eastern Region shown at the last Royal Show and they changed the names from goats to *shenzi* type?

Mr. Murgor: Mr. Speaker, Sir, I am not aware of any goats being shown at the Nairobi Show last year from the North-Eastern Province. There were two goats entered in the 1964 Show, and

[Mr. Murgor]

these were from Kisima Farm Ltd., of Timau, and there were four goats from the Veterinary Faculty of the University College of Nairobi.

Mr. Kamau: On a point of order, Mr. Speaker, Sir, is it in order for any hon. Member in the House to term other hon. Members as stooges of the imperialists when they just speak on a Motion. I ask that because the hon. Mr. Anyieni has said "stooges of imperialism" on the question of the Vice-President.

The Speaker (Mr. Slade): Hon. Members know that when a point of order is raised they must remain silent. You allege, Mr. Kamau that Mr. Anyieni called somebody a stooge?

Mr. Kamau: Yes, Mr. Speaker, Sir, I said that and he will not deny that when this point of the Vice-President was discussed, he did say "stooges of imperialism".

The Speaker (Mr. Slade): Mr. Anyieni, did you say that?

Mr. Anyieni: Mr. Speaker, the hon. Member is saying that I shouted. If I shouted, you would have heard it.

The Speaker (Mr. Slade): I want to know whether you said it all the same, whether I heard it or not.

Mr. Anyieni: The hon. Member said I shouted it.

The Speaker (Mr. Slade): I want to know whether you said it.

Mr. Anyieni: I did not say it, Mr. Speaker.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, is it in order for an hon. Member of this House to tell a deliberate lie?

The Speaker (Mr. Slade): Order, order. I am no judge of what is a deliberate lie if I have not heard it.

Mr. Kihliff: Mr. Speaker, Sir, arising from the replies of the Assistant Minister, would he indicate the goats which were named *shenzi* and from which area they came?

Mr. Murgor: Mr. Speaker, Sir, I say we never had any goats from anywhere which were referred to as *shenzi*. The judges reported all these goats to be of a very high standard.

Mr. Jahazi: On a point of order, Mr. Speaker, may I seek your guidance, as to whether the Minister may answer that there were not any,

while, in fact, we can substantiate that there were goats, labelled as *shenzi* goats.

The Speaker (Mr. Slade): I think three or four times in the course of the last three days, I have answered the same point of order, that Members cannot complain of inaccuracy in an answer given by a Minister as a point of order. It is not for me to rule, as a matter of order, whether the Minister's answers are accurate. It is for hon. Members to list them or follow them up by supplementary questions if they so desire; or if they prove immediately or subsequently that the Minister has spoken an untruth, he can be required to acknowledge this to the House. That is all. I am not going to answer this point of order again.

Question No. 2029

AFRICAN SOCIALISM TO BE TAUGHT IN SCHOOLS

Mr. Ndle asked the Minister for Education if he was prepared to introduce African socialism as a subject to be taught in schools in Kenya.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The Minister for Education is always prepared to consider introducing the teaching of any subject in Kenya schools if a subject is educationally sound and nationally desirable and provided, of course, there are suitable textbooks.

Mr. Ngala-Aboki: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the Ministry of Education is prepared to introduce a subject to be taught in school, provided it is educationally sound, could the Assistant Minister tell us whether African socialism is not sound in view of the fact that our Government is adopting it as an ideology for Kenya Africans.

Mr. Mutiso: Mr. Speaker, for the information of the hon. Member I said that the Ministry of Education is prepared to introduce a subject provided that there are suitable textbooks for it and the hon. Member is now aware that African socialism, Sessional Paper No. 10, has just been introduced into this House and has not been debated, therefore there is, as yet, no accepted definition of African socialism as such. The Ministry of Education could not even plan for its introduction into schools until the time when this subject has been defined by this House and accepted, then we shall plan for the introduction of textbooks for it.

Mr. Gataguta: Mr. Speaker, Sir, arising from the Assistant Minister's reply in which he says

[The Minister for Co-operatives and Marketing]

Assuming the "world market" refers to price and not demand, the answers to the hon. Member's question are:—

(a) Cashew nuts—price per ton.

	High	Average	Low
1964	£68	£60	£48
1965	£75.10.0.	£72	£67

(b) Copra—price per frassila.

	High	Average	Low
1964	Sh. 20	Sh. 19	Sh. 18
1965	Sh. 23	Sh. 22	Sh. 21

(c) Simsim—price per ton at Mombasa.

	High	Average	Low
1964	£62.10.0.	£55	£50
1965	£66	£63.10.0.	£62.10.0.

Question No. 2003**DEVELOPMENT PLANS FOR SAMBURU**

Mr. Rurumban asked the Minister for Economic Planning and Development what plans, if any, the Minister had included in the revised Development Plan for the Samburu District.

REPLY

The Minister for Economic Planning and Development (Mr. Mboya): The revision of the Six-Year Development Plan has not yet been completed and consequently it is not possible to give a detailed account of the proposed development of the Samburu District at this stage.

The Government is aware of the need to accelerate development in Samburu. Indeed, as the hon. Member will recall, the Government supported a Motion on this subject in the House on 24th September, 1964. Moreover, a meeting to discuss agricultural and livestock development in Samburu District was held in Nakuru only this month. Some of the recommendations agreed at the meeting will be incorporated in the Development Plan. This shows the Government's awareness of the need to have a planned programme of development for Samburu District, and indeed, for all districts of the Republic.

But as the Government has stated in this House the people themselves can and must do a lot for their own development. In Samburu it would appear that there is now a change from the former attitude of resistance to change to an attitude of co-operation and desire to develop. This is a welcome change. I would appeal to the hon. Member from this area to impress upon his constituency the importance of self-help and particularly what has been achieved in other parts of Kenya by the people themselves through this method.

Thursday, 29th April 1965

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

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

PRAYERS**COMMUNICATIONS FROM THE CHAIR****SENATE MESSAGE ON BILL**

The Speaker (Mr. Slade): I have to inform hon. Members that I have received a message from the Senate that they have agreed to the Nurses, Midwives and Health Visitors Bill without amendment, on Tuesday, 27th April 1965.

SHORTAGE OF REPORTING STAFF

The Speaker (Mr. Slade): I have also to inform hon. Members that unfortunately, owing to an unexpected shortage of HANSARD staff, we shall not be able to take any matters on adjournment next week, while the Senate is also sitting.

ORAL ANSWERS TO QUESTIONS**Question No. 1080****SOMALIS IN GOVERNMENT SERVICE**

Mr. Amin asked the President if he could tell the House how many Somali clerical staff there were in the Government services and how many were in senior posts?

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. There are thirty-two Somali clerks in the Government services, of whom four are clerical officers and twenty-eight are junior clerical officers. Of the four clerical officers, two are acting as executive officers grade 3. I may add that of the thirty-two clerks, twenty-four are employed in the North-Eastern Province, seven in the Eastern Province and one in the Ministry of Information and Broadcasting.

Mr. Speaker, since the question specifically refers to the clerical staff I have given the answer to that effect, but if the Member wishes to know, I would like to inform him that there are over 484 other Somalis employed in various Government departments.

The breakdown of the 464 posts which are held by the Somalis are two administrative officers, four district assistants, three trainee district assistants, one information assistant, six P3 teachers, three P4 teachers, one untrained teacher, one graded dresser, one technical

assistant in the Veterinary Department, two veterinary assistants grade 3, and I do not know whether the hon. Member really wants me to give all the breakdown, but if he wants then I am prepared to do that.

Mr. Amin: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that some of these clerks are still on the same salary scale of £90 per annum—as they were four years ago?

Mr. Nyamweya: Mr. Speaker, Sir, that is a very different question. The question refers to how many Somali clerical staff. If he wants to ask a question on salaries, I will be able to deal with that separately.

Mr. Some: Mr. Speaker, Sir, can the Assistant Minister tell this House, among the Somalis who are being employed by the Kenya Government as clerical staff, is there any Somali who has been promoted to be a district commissioner?

Mr. Nyamweya: Mr. Speaker, Sir, I thought the hon. Member was listening when I was reading the breakdown of 464 Somalis employed. I began with those who are employed at the highest level and we expect that those now holding the office of district officer and district assistants will prove that they are worthy to be promoted to district commissioners.

Mr. Kerich: Mr. Speaker, Sir, could the Assistant Minister tell the House among these clerks he has mentioned how many are pensionable?

Mr. Nyamweya: Mr. Speaker, Sir, if the hon. Member is not aware of the conditions of service of civil servants, I am not going to do his work for him.

Question No. 2023**STAFFAGE OF SALARIES:
PROVINCIAL ADMINISTRATION**

Mr. Khalif: Mr. Speaker, Sir, I would like to withdraw my question.

Question No. 2034**OFFICES IN THE VICE-PRESIDENT'S OFFICE**

Mr. Bly asked the Vice-President:

(a) In view of the fact that several different Ministries were housed in the Central Government Building, why did it bear the sign "Office of the Vice-President" at the front of the building, implying that the building was only used by the Vice-President.

[The Assistant Minister for Internal Security and Defence]

Also there have been cases of looting and this derives from what used to happen in the old days, when we had the Johnnies. The Johnnies really, Mr. Speaker, Sir, were the Lancashire Fusiliers. They dressed up in queer uniforms sometimes and when the people saw them they would run away. Sometimes it was out of sheer panic, and nothing happened.

Now I have heard an allegation made here that it may be that the Government is working against the Luos, as a tribe. I am a senior member of that tribe. If I knew that the Government was working against the Luos, would I be working in that Government? An allegation has also been made here about Sarah Adongo. Sarah Adongo was the wife of a very senior person, and this man was a man who was loved and was dear to many people in Nyanza. It is alleged here that Sarah Adongo and Wilkista were raped. I would suggest to the Member for Winam, who has made these allegations, that he should give any facts to the proper authority. Allegations of this nature, particularly against the security forces, must be specific, Mr. Speaker. They should not be general, because they go to the very root of the security of this country.

If there are specific cases of this kind—I perhaps should not tell you because there are girls here!—the obvious thing is to take the girl to a doctor's surgery. There will be an examination, certain tests will be made, and the man will be brought to justice, be he a policeman or anyone else.

Mr. Nyallick: I have got a point of order, Mr. Speaker. I would like to produce a receipt, pertaining to Mrs. Adongo, which was written on that day, a hospital medical receipt.

The Speaker (Mr. Slade): That is a point of information, but an important one. The Assistant Minister might like to hear it.

Mr. Nyallick: It reads: "Sarah Adongo, wife of John Kanyaku, having been hit on the right eye during a police operation on 8th April 1965," and then there are some medical terms I am unable to read.

The Assistant Minister for Internal Security and Defence (Mr. Argaga-Kodhek): Mr. Speaker, Sir, the usual police procedure is to deal with that particular case immediately. If Sarah Adongo was hit, the doctor is a responsible professional man, and he would say that she

had been hit. But she might have been hit by her boyfriend.

Now certain allegations have been made that arms are being smuggled into Nyanza, and that was one reason why we had to give the House general information this afternoon. There is nothing beyond what the Minister for Internal Security stated here, about smuggling of arms and ammunition. In any part of Kenya, if there are any arms being smuggled anywhere, the Government knows about it, and if any particular Member of this House knows that Mr. X is keeping arms and ammunition at his home, it is the duty and responsibility of the Member, being an elected official, to go to the proper authorities and tell the person there that there are arms in such and such a place. The President, in fact, Mr. Speaker, has offered a reward to any Member of this House who will show us where the arms and ammunition are. We have never said that there are arms and ammunition in Nyanza.

Mr. Speaker, Sir, on the 8th, in fact, there was a duty patrol, and, on information received, it was the General Service Unit and the local police. This operation started from Kisumu police station. They went to a place called Ohounga and one called Njamwitak. When they went to these places, they arrested a number of people for being in possession of Nubian gin and for other offences. Twenty-four people were arrested, Sir. Out of the twenty-four people arrested and taken to Kisumu police station, after being charged for these offences, some complained that they had been knocked around. The police gave them the usual P3 form and told them to go to the doctor. There are a number of doctors and hospitals in Kisumu. Of the people who complained that they had been beaten up, not one of them complained of having been raped. I must say this for the benefit of the country—only two people—and the police had told them, "After you have been to the doctor, please come back here so we can charge a particular person—only two came back. And in the case of these two people, the doctors they had seen indicated that neither of them had any visible signs of injury. Nothing there."

So, Mr. Speaker, Sir, let nobody think that this was an action by the General Service Unit alone. It was an operation from Police Headquarters, and carried out in conjunction with the regular police of the area, who know the area.

I must also say here that I have got it on good authority that these people were being obstructive to the police. According to these laws of Kenya on the Table here, obstructing a police

[The Assistant Minister for Internal Security and Defence]

officer in the due execution of his duty is an offence and these people know this. The General Service Unit members are just like ordinary police officers; they have got the usual police powers, and wherever they are, they work under a very senior officer.

I must say, finally, that from what I have heard lately, this kind of case, not only involving the General Service Units, is on the increase in every area of Nyanza, and the Attorney-General is likely to send a special judge to deal with these matters.

In conclusion, may I appeal to the Members concerned as I come from that particular area, to let the law take its course so that we can see to it that the law takes its course.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, there is very little to add to what the Assistant Minister has said about this case. I just stand up because a piece of paper was handed to me, on which a proper interpretation must be put. It was proper evidence that Mrs. Sarah Adongo, wife of John, was beaten up. In this case, it does not show this; it just says that she was hit on the eye during police operations and she had some pain and conjunctivitis—the eye was red—but it does not say that the woman was hit by the police. It could have been anybody at all. That is the first thing.

Secondly, the part that the hon. Member at the back there could not read says that the woman was given codein, adrenalin and achrocyrin, which are just drugs to treat it. There is no evidence in this paper to show that the police were involved.

Mr. Speaker, Sir, yesterday, when this thing came up, I said that we were quite willing to throw all our forces into the work of investigating this and then to deal with anybody who was proved to be a criminal in connection with this offence, and this we still intend to do. I would ask the hon. Members from Central Nyanza, those who say they have facts, to report those facts to the right places; not only to speak in the House but to report them to where action can be taken. I therefore invite them to go to the police with the names of the men who were beaten up completely or not completely, by the General Service Unit, as was said yesterday, and also the women who were raped, because we consider that this is something which is very serious, and action will be taken if these things can be proven. But we do want this action to be

taken and I do invite hon. Members who have mentioned these things to go to the police, and I assure them that proper action will be taken if we find any of the General Service Unit or police have been incriminated in this. I stand to assure the Members of that.

Finally, Mr. Speaker, Sir, I would like to say that the General Service Units are going to continue having exercises throughout Kenya because it is their work to guard Kenya. Not only the General Service Units, but the army also, will carry out exercises anywhere. Therefore if you find the General Service Units or the army carrying out exercises anywhere, it is because of their duty to guard Kenya and to protect it and all its citizens. Therefore, if you find them in Kiambu, in Central Nyanza, in Meru or in Taita, it should not be thought that this Government is working against a certain tribe, but that we are doing it for the interests of the whole community of Kenya.

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our half-hour. The House is now adjourned until tomorrow, Thursday, 29th April, at 2.30 p.m.

The House rose at Seven o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 1025

WORLD MARKET PRICES FOR COASTAL PRODUCTS

Mr. Omar asked the Minister for Commerce and Industry if he would tell the House:—

- What was the world market price for cashew nuts for the growers for the years 1964 and 1965.
- What was the world market price for copra for the growers for the year 1965.
- What was the world market price for simsim for the growers for the years 1964 and 1965.

REPLY

The Minister for Co-operatives and Marketing (Mr. Ngũgĩ): The responsibility for the marketing of cashew nuts, copra and simsim falls within my portfolio and I therefore have to reply to the hon. Member's question.

[Mr. Nyalick]

to us whether we are in a state of war in this country. It is here, Mr. Speaker, Sir, that we are surprised in our constituency that wherever we move about, the constituents are asking us to tell them whether we are within the Government, because this is not a colonial government, and even more so that the people are put in a state of panic that they cannot have the economic planning carried out, we have, Sir, a number of women who were beaten up and raped on that day, and the reasons for this we are unable to tell and the Government must get up and tell us very clearly why in Central Nyanza particularly we are being beaten up. We do not know, because as a Member of the area we must be in a position to tell our people what has gone wrong. We have put our grievances to this House several times that there are some areas in the country where things have been going on such as burning our sugar cane/ but so far the Government has taken no action to bring these people to justice.

Now, the innocent people who were in their own homes, after they had retired to bed with no knowledge at all of what was to come, find to their surprise that the G.S.U. come into their houses, beating the people and raping the women, Sir.

Hon. Members: Shame.

Mr. Nyalick: Is it the colonial government that you are fighting for or the African Government that we have? Are we to be told that the Luos are false and not connected with this Government? We are part and parcel of this Government and we have our place in this country? Why cannot we share our responsibility, and see that the House raises a protest and is here to protect the people?

Mr. Speaker, Sir, this is a very serious case. We have a woman in my constituency known as Sarah Adongo, the wife of John Odele, who is a staid woman, who carries a Bible in her hand; she does not drink, nor does she brew. Well, this woman was beaten, and now she cannot see and also she cannot bend her back. Another incident is another woman who has a bad wound which is healing, she was beaten and also she was raped. Mr. Speaker, Sir, we are supposed to be the bridges for the Government. We are supposed to show our people the plan of the Government that our people should carry out the policy of the Government as representatives of the people. But when it comes to the problem of beating the people, and the people come to us and ask us what has happened that we are being beaten, then we are put in a position that we cannot explain

to the people, the policy of the Government because people suspect that we, in the area, have been opposing the Government. These people are the victims of suspicion and because of that they are being beaten up in Central Nyanza. The Luos have been told that there is such a thing going on and the Government has come up, but they are not going to stay here and wait because we know the faults of the people with power and what they have done. Nobody can tolerate it.

So, Mr. Speaker, I am bringing this Motion on the Adjournment in order to find out the reasons pertaining to the beating of people in Winam Constituency. My constituency, Sir, is my right and if I am called upon to lay down my life for my constituents I am quite prepared to do so and I will not allow any interference from the Government, or any move whereby they can come and molest my people for no reason at all.

Mr. Speaker, Sir, it would have been a disaster had I had knowledge that the General Service Unit was going to beat my people. I would advise my people to defend themselves because the Government has been the aggressor so they will have to defend themselves. The Luo as a community are very suspicious and they want to know what the Government has done. We can agree to protect our place, The Luo tribe is a force which cannot be excluded from plans of economic stability. Every tribe should get together to help bring about Kenya's economic stability, without anyone being excluded.

So, Mr. Speaker, Sir, I want to be told why these people were beaten. These people go about telling people to follow the Government policy and they told the people that the Government wanted them to do this and that. The Government as it stands is an African Government of all kinds of people, all tribes, Pokomo, Luo, Kikuyu and so on. The power is given to them by the people of this country to direct the people, but if they sit here and do nothing at all, we will have to ask them to clear the way for other people to lead the country.

Mr. Speaker, Sir, I am demanding that the Government tells me why in Winam Constituency women and men were beaten at night. What about the chiefs, were they not able to cope with the trouble?

Mr. Speaker, Sir, with these few words I bes to move.

Mr. Odera-Sar: Mr. Speaker, Sir, this question does not concern only Winam, it concerns the whole of Central Nyanza. Yesterday, Mr. Speaker, Sir, we heard of Mr. Okuto-Bala telling the House how the General Service Unit raped

[Mr. Odera-Sar]

the women in Central Nyanza and this, Mr. Speaker, is very serious. If you go to Central Nyanza today, people start asking you where you are going.

For example, living in Ugenya today, recently, two days ago, these people went there and raided villages and one of the women even had her arm broken. And yet the Minister, Mr. Speaker, who is responsible for all these things, when he answers this question we want to know from him—and I am very pleased he is now looking at me! We want to know from him whether his Ministry is punishing the Nyanza people, particularly the Luo community. That is what is taking place today. We are very much worried, and I must say, Mr. Speaker, that the leader of this country, the President, Mzee Jomo Kenyatta, has his position of leadership because of the Nyanza people. If you can answer this question, then answer it. If you cannot, then it is true.

Now, this leadership, which is now turning against the Central Nyanza people is worse than during the colonial times, Mr. Speaker. There is a conspiracy, Sir, to rule the Luo. We are very disappointed and it is very serious for such a popular figure Sir, we want the Minister to stand up and tell us whether there is a state of emergency in Central Nyanza, because, from what we have heard, there are arms hidden in Central Nyanza. If this is so, then we want the Minister to tell us, we want to know from him today.

In my own constituency, we want to know whether this rumour means anything, whether we have arms hidden in our houses. We cannot go on like this, Mr. Speaker, if the Government or the leaders of this country are out to destroy the Luo community.

Sir, we fought for a Government which would treat people equally. We thought the colonial government was ill-treating us.

Mr. Malinda: On a point of order, Mr. Speaker, is the hon. Member in order to speak the way he is speaking, when the subject matter of the Motion concerns General Service Unit raids in that area? Is he not generalising?

The Speaker (Mr. Slade): The matter raised concerns the activities of the General Service Unit in Winam Constituency. It is quite in order for an hon. Member to say that there have been similar activities in neighbouring districts; and it is in order for him to comment on the significance of those activities, whether in Winam or any other constituency.

Mr. Odera-Sar: Mr. Speaker, our women, our wives, and daughters, are being raped, by the General Service Unit. If he cannot answer today, then this must be investigated fully and a report made as to why these people are raiding homes where people are living loyally and peacefully, and why our people are being beaten up in the streets.

It is like someone who has trouble with his eyes being told that he can be cured; he gets cured and then turns against the friend who cured his eyes. This is what is happening to the people of Central Nyanza. Of course, Sir, I am very worried and very annoyed because of what is taking place in my constituency in Central Nyanza. I hope the Minister concerned will tell us what is taking place in Central Nyanza, whether this emergency in Central Nyanza has only been declared to punish or do something to the people which we do not know about.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, first of all, I must congratulate the Members who have spoken on having raised this particular Motion, because it will help to clear the air no end for certain Government exercises all over Kenya.

I am a Luo myself, people do refer to me as one. I have been and still am a member for Nyanza. The only problem here is that we are told that the date was fixed, the 8th April this year. But before I answer those specific allegations in the Motion itself, there are one or two things which I must correct.

I am in the Ministry of Internal Security. An allegation has been made here by the Member for Winam, and he referred to the culprits not being brought to justice. I know of no case, and the Ministry for Internal Security and Defence knows of no case, of any action or any criminal offence having been committed in that particular area or elsewhere, and the culprit not being brought to justice. There was an allegation that the regular police and the General Service Units are breaking into people's houses. That may be subject to a lot of interpretations, depending on the individual. The Government will not agree, and any Member of this House will not agree, that the police actually break into people's houses because if a policeman breaks into your house the policeman, just like anybody in this country, including Members of this House, is subject to the laws of Kenya. If anybody does not know this, I will repeat it.

[The Minister for Economic Planning and Development]

Mr. Deputy Speaker, the workers are not fools, nor are the trade unions or the trade union leaders, and I hope that we in this House will take our responsibility more seriously.

Mr. Deputy Speaker, I was going on to state, and to establish a proper and historical perspective of the measure which is now being taken. I do this because I believe that in the initial reaction to the Bill there was a misunderstanding as to the motives behind it. There was a feeling in certain quarters that this was a measure intended to crush the movement. There was a feeling that this was a measure intended to undermine and even remove the freedom and rights of the workers from their organizations, and in fact, in certain quarters, there was an attempt to create the impression that the Government was at war with the trade unions, and that the Ministers or the Cabinet was completely hostile and unsympathetic to the movement. I should like to state, for the record, that in this Government, as well as in this Parliament, there are people who are truly and genuinely concerned with the rights of the workers, and with the conditions of the workers, and who in a very dedicated way, are working consistently to ensure the improvement in the conditions of the workers. We may never shout about it, we may not hand slogans around it, but this job is being done every day and every night by this Government from the time we came to power.

Mr. Shkukun: Does unemployment not exist?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, the hon. Member for Butere might like to continue his interjections, but I do not think they will influence the course of the debate. They will only make his constituents wonder whether they were right in their choice.

Mr. Deputy Speaker, a contribution which the trade union has made, as I have said, is significant, and it is one which we would like to go on record as deeply appreciating. But, what is more important is the contribution which they can make in future. Their contribution does not end with the independence of this country, nor does it end with the struggle they put in to try and improve the wages and salaries and conditions of employment for their Members. Their contribution, as far as the Government is concerned, is much bigger, and it will become an integral part of the efforts that we are making in trying to improve the overall social

and economic conditions of our people. It is this indication, in fact, that we are making to the trade union movement, to come along with us in the task of national reconstruction and to work with us as they have done in the past to secure a general improvement for all our people, to make their due contribution in the task of nation building.

Mr. Deputy Speaker, any Government in any country is bound to be concerned when every day you pick up a newspaper and on every page there is a dispute, either a strike, or a deadlock, or a threat of a strike. The question is not whether the trade unions are responsible for these conditions, or whether the employers are responsible for these conditions, but the point which all this must make to us is that something is wrong. Why should there be so many deadlocks? Why should there be so many threats? Why should the language in industry be only the language of threat, and counter-threat? Why should the negotiating machinery be only through strikes and threats of strikes? This is the point which any Government is bound to ask itself. We are, therefore, bound, purely in answering this question, to determine whether or not the machinery that exists has not failed, and if it has failed, whether or not we do not have the responsibility to help both sides of industry to produce a machinery that will work. It is precisely this that the Government is trying to do, to help both the trade unions and the employers, to find a workable formula that would minimize the extent of existing frictions and misunderstandings, deadlocks and threats, and strikes and breakdowns. This, Sir, is the responsibility which no Government can abdicate, and no trade union should resent it, nor should an employer resent it, because in the long run they are the beneficiaries. If we succeed in improving the machinery, would be the workers and the employers. If we can create the machinery through which they can negotiate and reach agreements, we may have succeeded in helping the trade unions and the employers, to move forward instead of the present situation, in which there seems to be a difficulty to find the language and the needs by which to move forward. When the two sides cannot agree then a search party is needed. The economy of this country and indeed the conditions of all the people of this country are such, that, when the two sides—in this case the trade unions and the employers—cannot reach agreements, then the only person qualified to act a referee is the Government, and the only person who can be expected to intervene in the interests

[The Minister for Economic Planning and Development]

of the economy is the Government. Hence, of the concept around the formula that is now being suggested.

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

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

Mr. Speaker, this is not unique to the solution we are suggesting for the Trade Union movement. That is happening every day in the case of other relationships. When there is a dispute between a farmer and a marketing board, or between growers and marketing boards, or between lawyers, organizations and the judiciary, or between teachers and the school system. It is, in every case, for the Government to intervene and produce a formula that helps the system to move forward. That is the function which the Government is trying to perform in this case. I would like to emphasize, therefore, that whilst we are bound to intervene we are also bound to observe the certain standards and certain fundamental points.

Firstly, we are bound by our Constitution to respect and take into account its various provisions, and I submit, Sir, that this has been done.

Secondly, we are bound to observe, and at least to take seriously into consideration certain international conventions, and this again, we have done. I would like immediately to say that anyone who suggests that this Bill bans strikes, is in fact, not understanding the Bill and has not read the Bill properly. All it does is to delay any such action. All it does is to give status to negotiated agreements. All it does is to minimize the need for this extreme action. It does not, and I repeat not/ban, as some people say, strikes. It is true that certain strikes will be made unlawful. It is also true that the schedule of Essential Services, is increased to include services that have not been in this schedule until now. But, Sir, that is nothing unique, nor does it amount to banning strikes. This is an arrangement which is going on currently in practically every country that we can think of, and I do not mean in totalitarian regimes. I am referring to any of the countries that were popularly referred to as democratic regimes.

If you take first, the Essential Services, perhaps the House will remember that some of the services which are now brought back into the schedule, have in fact, been in the schedule before. It was only in the last three years that

they have been removed from the schedule. It is unfortunate that this experiment on which we embarked some years ago, and in which I had the opportunity of playing some part, has not been particularly successful, and so we have moved back to the original position where these services used to be among the Essential Services in the country. I do not want to say that the Trade Unions are to blame for this condition, but all I want to say is that it is unfortunate that the system did not work, that the machinery we envisaged could have worked, did not particularly succeed. If it had succeeded, there would have been no necessity for second thoughts on this matter.

Mr. Speaker, I would like to break off now and continue tomorrow.

MOTION FOR THE ADJOURNMENT**GENERAL SERVICE UNIT ACTIVITIES IN WINAM**

The Speaker (Mr. Slade): It is now time for the interruption of business, so I will call on the Minister to move that the House do now adjourn.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Commerce and Industry (Dr. Kioko) seconded.

(Question proposed)

Mr. Nyalicki (Mr. Speaker, Sir, I thank you very much for having given me the opportunity to air my views on the adjournment.

Mr. Speaker, Sir, you remember that on the 20th of this month, I tried all I could to get the House to debate the matter which is today on the adjournment.

Mr. Speaker, Sir, it is very surprising to learn that on 8th April 1965, at about 2.30 a.m. at night, the General Service Unit made a raid on part of my constituency, known as Migoi.

As a result of this raid, a number of people were beaten up and women were molested to the extent that we are very ashamed to mention it in this House since the Government is an African Government. Mr. Speaker, Sir, we must be told the reason. The Motion as it stands is to seek from the Government to know the reasons why these G.S.U. moved into our constituency with no warning at all, and as such stultify with no warning at all, and as such we people were beaten to the extent that now we have a number of cases to prove to the House that we have indeed been beaten up. We are very perturbed in a way that the Government must

[Mr. Shikuku] such strike or lock-out," but I think Mr. Speaker, one thing should be added. There are those who are probably not even in a trade union, but they could get in touch with their friends in the particular firm—instigation can come from the workers themselves or from outside. This has happened. It is not a question of trade unions, but one can come from an outside company and organize a strike in a different firm altogether.

The Minister for Economic Planning and Development (Mr. Mboya): So what do you want to add something?

Mr. Shikuku: I want to add "any person outside that particular firm". This, Mr. Speaker, would be one of the ways to try and help to curb these strikes and lock-outs.

On the question of lock-outs, Mr. Speaker, you find that some employers may decide to lock out some of the workers for the simple reason that he says that he is not earning much to warrant whatever they are claiming; he decides to lock them out and also threatens, if they do not listen to him, that he will just lock up the factory and go. But here, I feel, Mr. Speaker, this should also be looked into. When there is any lock-out the Minister should go into the question and find out the cause of the lock-out, because some of the employers just lock out because they are in a bad mood or they have had a quarrel with their wives; and they just lock out the people. I feel that at the same time as we are trying to guard against strikes, we should also guard against lock-outs, because you find the employers taking advantage of this clause by locking workers out. We should really give them hell when they do it.

On clause 26, which is on page 133, and which deals with the protection of persons refusing to take part in unlawful strikes, Mr. Speaker, I feel this is a very good move in view of the fact that there are some people who are working because they have so many to support. It so happens at times that you find they have been asked to go on strike and when they look at their financial position and their responsibilities they find it very difficult to accept going on strike, but they are being compelled to go on strike by the trade unions. I do not mean to say, Mr. Speaker, I wish to split the workers' unity by having some going on strike and some refusing to go on strike, but I am of the opinion that this situation should not arise if the machinery which has already been given here is followed and therefore the people will automatically not be subjected to this condition, but

if that condition arose, I feel this clause would really protect those people who are sometimes beaten up by their fellow workers.

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

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

Mr. Deputy Speaker, I do not think I intend to say on this because I stood up particularly to support the Motion with one view in mind and one view only, not because I want to speak here. The view is that strikes will curb other small industries close up and we shall have more unemployment, and I wanted to say part this in order to stop strikes, so that some of the unemployed people will be able to get jobs, and I hope the Government will make sure that these people will also get work. I am supporting it on that condition alone, because these people are suffering and there are only a few people who are working, and there are so many who are hungry, who have to be provided with food. There is no need for us to have a few people earning such high salaries when there are so many without food or a place to sleep. That is why I am supporting this Motion, not because I would like the Government to call me a good boy, not at all. I would like to make this very clear to the Minister. I support it only on that condition, and I hope the Government, as I have said, is going to look into the question of the cost of living and reduce the cost of living, and also look into the question of providing employment because what makes these workers go on strike is that there are so many hungry people. If that is fulfilled, then this Bill will be of use, but as long as this remains stationary, there will be more strikes in this country if the Government does not look into this.

Therefore, Mr. Deputy Speaker, I beg to support with that condition.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, Sir, the hon. gentleman who has just sat down sounds so apologetic that I do not know what worries him. I do not believe that it is necessary for any hon. Member who speaks in the House on behalf of a Bill to tell us that he is not doing so because he is a Government stooge—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Minister for Economic Development—I am sorry, Economic Planning and Development—to impute that I was referring to myself as a stooge, and

[Mr. Shikuku] the word "stooge", when I did not actually use that word?

The Deputy Speaker (Dr. De Souza): I do not see why one should be all that sensitive about this. You did say that you were supporting the Bill, but you wanted to make it quite clear that you were not doing so because you wanted to be called a good boy. Mr. Mboya probably exaggerated a little but I do not think he went too far.

Mr. Bala: On a point of order, Mr. Deputy Speaker, would the Member for Butere withdraw his statement that the Minister for Economic Planning should be referred to as the Minister for Economic Destruction?

The Deputy Speaker (Dr. De Souza): I think he did, in fact, withdraw it.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, all I wanted to say with regard to this lighter side of the matter is that I do hope sincerely that whenever any Member is speaking here, he is speaking with a free conscience, and when people begin to talk about not being regarded as good boys they merely reveal that perhaps they have certain inhibitions and fears, and they engage in certain activities which might be interpreted as such.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Minister to impute whatever motives I had, or imagine what motives I have?

The Deputy Speaker (Dr. De Souza): I do not think he was truly imputing motive.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, I will go on and discuss the Bill; I think the subject has been exhaustively ventilated.

I think one of the first things that must be made quite clear—and that is why I feel I should intervene early enough in this debate—is that the motive of the Government in bringing forward this Bill is not an indictment of the trade union movement, nor do we want it to be in any sense construed as a war against the trade union movement or as an encroachment upon their genuine liberties and rights.

It is also necessary to make it quite clear that this Bill does not in any way encroach upon those rights and guarantees that are to be found in our Constitution. The rights are freedom of association, and the Bill does not interfere with

the freedom of association. The rights are freedom of expression, and the Bill does not in any way interfere with that freedom of expression. The question here is merely one of a degree of control, and direction to ensure, in fact, that the constitutional guarantees and liberties of all our people are not in any way harmed or undermined by a section of some of our people.

Let me also say from the outset that the Government— I feel we should take this opportunity when debating this Bill to put on record our appreciation for the contribution and the very definite contribution made by the trade union movement during the development of our nation and country. There is no doubt at all in my mind, and I say this, with very sincere knowledge of these activities in the past, that the trade union movements of this country have played their parts courageously and freely, in the struggle for our independence and freedom, and in the struggle that has enabled us to create a nation, and accordingly, we would like to feel that they, like every other group in this country, will enjoy fully the fruits of that struggle. This point should be stated very clearly.

Mr. Shikuku: Unemployment.

The Minister for Economic Planning and Development (Mr. Mboya): The hon. Member for Butere shouts unemployment. This, Sir, is a cheap word sometimes used merely for the Gallery. But, when it is considered in true perspective, then I believe that those who shout the slogan will reconsider their position. It does not help the unemployed for someone to go around the country parading and shouting the slogan. What the unemployed are interested in is the creation of conditions in this country, and the constructive development of the nation which will remove unemployment. Mr. Deputy Speaker, if the unemployed were to hear the hon. Member from Butere speak, they would be led to believe that the hon. Member is so sympathetic, believe that the hon. Member is everybody's that he believes in the reduction of everybody's salary, but the truth of the matter is that he has received two increases in the last eighteen months.

Mr. Shikuku: I beg your pardon.

The Minister for Economic Planning and Development (Mr. Mboya): I have not heard the hon. Member reject the increase in his salary in the House. I do not believe that it is so cheap for someone to talk to the Gallery. It is like the parrot-like repetition of a slogan so that one never believes it is true when he knows it is not.

[Mr. Shikuku.]

that because this Bill has been passed and therefore they are going to fool around with the workers, then, Mr. Speaker, I am sorry to say that the Minister has said that he will have to resort to other strict legal measures which are not in this Bill, in order to deal with the employers.

Mr. Speaker, at the time we are passing this Bill we should also, and I think Mr. Speaker, I will try to comment on this when it comes to the Committee Stage, to try and define a definite strict legal measure to deal with employers who try to play about in this country. Mr. Speaker, Sir, I am of the opinion that one of the solutions toward stopping the strikes would be that the policy of the Government must also change. It would be wrong, Mr. Speaker, for us to talk here very strongly condemning the trade unions, condemning those who are going to call wildcat strikes and those who are going to have lock-outs, unless we are going to have a definite policy which we should pursue. If I may say so, Mr. Speaker, we have been given a copy of the explanation of "African Socialism" which I have here with me although I have not read through—I only got it yesterday, but I am of the opinion that one of the solutions which would more or less try and prevent our people from striking, would be if the Ministry could consider very seriously this question of low wage economy which would help employ more people. For example the people in the Shell Company—the lowest salary there I am told is about Sh. 240 a month. I am of the opinion if we could pursue a policy—The hon. Member for Yatta is asking which moon. I thought that when he was born he was told by his mother there was only one moon and that was also repeated to him at school. Mr. Speaker, Sir, this would help a great deal in eliminating the unemployment. The people who are taken on this sort of system, instead of getting Sh. 240 for one person two people would be employed at the same time and these people will be able to feed themselves and stop depending on others, because as I have said—

The Speaker (Mr. Slade): Mr. Shikuku, you are beginning to go round in a circle. Order. Although you are giving us your proposals with regard to the prevention of trade disputes and also some other social improvements, which may be very constructive, I do not know that they are very relevant to this Bill, which deals with settlement of trade disputes.

Mr. Shikuku: Thank you, Mr. Speaker. The Minister with this question of— But I

thought Mr. Speaker, and I seek your ruling on this. Is it not in order for me, Mr. Speaker, to try, apart from what is in this Bill, to try and look into the causes of the strike and possible solution to the strike?

The Speaker (Mr. Slade): No, when we have a Bill before us for a Second Reading we are concerned with the contents of the Bill. It is not relevant to say that lots of other things might achieve the object even better. You are entitled to say that you do not want the Bill, or you are entitled to propose amendment of the Bill, but you can not say that in addition to this Bill Government should be doing all kinds of other things. That is a matter for another debate at another time.

An hon. Member: Oppose it.

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling. I would not oppose this as some of the hon. Members are asking me to because I believe in what I say and I do not go by emotions. I am one of these realistic people. Mr. Speaker, I have supported the Bill and will continue to support the Bill.

Mr. Speaker, there is a question which was referred to by the Minister, himself, when he referred to this question of Essential Services. Mr. Speaker, we have Essential Services in this country and elsewhere in the world, but I am of the opinion, Mr. Speaker, that the strikes in the Essential Services could easily be avoided by passing a law that the Essential Services should not strike, this would in my opinion, Mr. Speaker, if the Minister is paying any attention be a bit unfair if we are not going to look into the question of their salaries. If we know that people in the Essential Services like those working in the Medical Department and those working in the—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker: Is not the hon. Member repeating himself? We have heard this question quite a number of times.

Mr. Shikuku: I do not think I referred to the question of the Essential Services.

The Speaker (Mr. Slade): No, but you said the same point with regard to the other services.

Mr. Shikuku: But, I have not even reached the position of the Essential Services when the hon. Member intervened.

The Speaker (Mr. Slade): That is true, but what you said about other services is basically

[The Speaker]

for Essential Services. Try not to repeat yourself.

Mr. Shikuku: I do not think, Mr. Speaker, I have repeated myself, because I do not remember having said that.

The Speaker (Mr. Slade): Then let us say that you are in danger of repetition.

Mr. Shikuku: There is no danger yet, Sir. Mr. Speaker, if I may refer to the question of the trade union fund, this is one of the things I really welcome very much in this country have, and you the trade unions in this country have, and you have heard the questions in this Parliament to the effect of how much money is being received by the leaders of the trade unions in this country from each corner of the world, and I am of the opinion that the acceptance by the Minister that there will be what they call a check-up system. I am of the opinion that this is the right thing to be done and at the same time provide the power to the Ministry to try and check-up on the funds of the workers, which are in most cases being misused by these leaders using them to meet their own political ends.

I am of the opinion that if this is sincerely looked into, our trade unions would be financially fit. Today they are not, they are depending on the International Congress of Free Trade Unions, some are helped by the whatevers, you call it, the African Unity Socialists, or whatever it is, and this is one of the things which concern the country. You find some of the strikes are not really strikes in a sense, but they are intended to promote the popularity of a certain man to please his voters elsewhere. As such, if we can have this check-up system and the Government given the power to audit these trade unions, it would not only help the country as such but would also stop the outside interference and people using the trade unions in this country for their own political ends elsewhere.

Also, Mr. Speaker, if I may say so, most of the workers who have been paying their dues have not actually been able to profit from their funds at all because most of the trade unions are so poor and there is a lot of extravagance going on in these trade unions which must be stopped, to make trade unions very effective and also to have funds in their kitty.

The other issue I would like to touch on, Mr. Speaker, is the question of the Federation of Employers. As we have been told, the Federation of Employers is not under the Trade Union

Act and I am glad that the Minister has said that this organization is also going to be included under the Trade Union Act and not to remain under the Societies Ordinance. I feel this will also help a great deal because today you have the employers who have come together and under that Society, the employers who are rich—and, of course, employers are always rich—decide on what pattern they are going to take, and they do so exclusively in the act of the Ordinance and we have no law to get at them. By bringing them here into this Trade Union Act, one day we shall stand in this Parliament and really beat the devil out of them, we have been so free. I think this is a very wise move and I must congratulate the Minister for including them in this Act.

If I may touch on one of the points here in the Bill, under clause 21 on page 129, the Minister has included prohibition of sympathetic strikes and lock-outs. This clause, Mr. Speaker, is a very ideal clause because I, personally, when I have a quarrel with my brother, do not think there is any need for another brother of mine— if there are five—to fight with another fellow at the other end in support of me here against my brother. I do not see much sense in this. Let us deal with an employer because by getting one employer who is affected by the strike and dealing with him is easier than dealing with thirteen or fourteen employers as this in itself reduces the economy of the country and not only that, as has been said, it also affects other people who have nothing to do with the strike. I am of the opinion that if there is any strike, as the Minister himself has said, it should only be for a short while, industry and that industry should be dealt with. The Minister will also deal with that particular employer to teach him a lesson rather than trying to deal with several employers, and this costs us a lot of money and wastes a lot of the Minister's time to try and deal with those who are on strike in various parts. I am in full support of this, although some of the trade unionists may not agree with me. I am of the opinion that the fewer strikes we have, the more work we shall have for our people who are unemployed, and it should be in this spirit that we should support this Motion, and the Government will also look into the question of trying to provide employment for other people so that those strikes will not occur again.

As regards clause 25 on page 132, subsection 1 (a) and (b), it says here, "Any person who in connexion with any strike or lock-out declared by or under this Act to be unlawful—(a) declares or instigates or incites others to take part in any

[The Minister for Labour and Social Services]

Now, Mr. Speaker, Sir, I would like to make it plain that these provisions are directed to secure responsible behaviour by both the employers and the workers. I repeat, employers and workers, because there may be a few Members who may be thinking that this Bill is here to protect the employer only. This is not correct. Every time I mention the word "strike", it is immediately followed by another word, "lock-out", which covers both sides because, as soon as we have a strike on the side of the workers, then we have a lock-out on the side of the employers. So, both sides are well looked after, my friends.

When an agreement or award is binding, each employer is legally bound to give each worker the full benefit of that agreement or award, and that is enforceable in a court of law. Clause 24 introduces this new and important provision to ensure that employers behave responsibly. It is no use a union of workers bargaining on terms with, say, nine employers in an industry, and the Minister using his powers to enforce those terms between the union and those nine employers, if a tenth employer in the same industry, refuses to offer equally favourable terms to his workers. Is the Minister to allow the whole industry to be dragged into a dispute, or anything leading to a strike over this? The workers only want the tenth employer to apply the terms which are recognized through the industry. Clause 24, therefore, Mr. Speaker, Sir, gives the worker the right to make a claim, and the Minister has the power to refer the matter to the Industrial Court if he cannot settle it; and then, the Industrial Court can compel this tenth employer to fall into line. I think now that hon. Members must surely see that the Government has tried hard to protect the workers. The Government's intention in this Bill is to protect the nation, and I repeat, nation—the responsible worker and employer against the irresponsible worker and employer. The Government therefore expects the employers to give their full support to the successful working of this Bill.

The Government is also aware that employers are not so prone to use the lock-out weapon to secure their end, as the workers' unions are to use the strike weapon, I am aware that, if I make an order under clause 19, ordering employers and workers to make use of the agreed machinery and the employers are unwilling to do so, then a declaration that a lock-out is unlawful will not, necessarily of itself, compel them to comply with my order. But I am satisfied that employers' organizations will not ignore my order, because

if they do, then I shall not hesitate to seek such additional legal powers as may be necessary. If trouble arises with an employer outside any of the employers' organizations, clause 24 gives me adequate power to deal with the case, as I have explained.

But we are not solely dependent on the good behaviour of the organized employer. I have the power to make an order enforcing the agreed procedures, because of the refusal of any employer to employ them and the workers are not satisfied with my efforts to influence the employers, then the workers may appeal to the Industrial Court against my order prohibiting strike or lock-out action. If the Industrial Court is satisfied that the employers are at fault and not the workers, then the court can revoke my order. If the employers do refuse to obey my orders, so that the workers are driven to strike, then I accept that the court can make an order for beating strike action, if the employer are at fault. Actually, what that means is that, if I am satisfied that it is the employer who is at fault, and that he has refused completely to comply with my order, or the order of the Industrial Court, I simply sit down and watch and I do not make any order at all. It will now be up to him and the worker to decide their fate; and I hope that hon. Members will agree with me that no employer is going to allow his workers to stay out on strike for more than a month or so, without it resulting in the closing down of his business and his subsequent departure. So he has got to be very careful.

Mr. Speaker, Sir, what I would like to state here is that I do not anticipate that the organized employers are going to ignore my order or the views of the Industrial Court. The Government places great reliance on the Industrial Court and this is a confidence which is justified by its record.

Clause 23 empowers the court to confirm, revoke or vary the order of the Minister. This is a wide power. The appeals which will be made to the court from my orders will be of infinite variety. When the merits and faults of each party to the dispute have been laid before the court, it will then have complete discretion to decide the proper course. This court is an industrial court, not a court of law. I would call its jurisdiction, "industrial equity" and I feel, on my behalf, that the court varies or revokes my order in a proper case. That is what the court is there for. The Minister is to make orders which are effective, strike or lock-out action in defiance of those orders, must be effectively stopped and punished, and those who do not

[The Minister for Labour and Social Services] the award has been given. If the organizations of workers and employers in Essential Services behave responsibly, then there should be no need for the Minister to intervene to impose compulsory arbitration. But the attitude of the Government on this must be made quite clear. The workers and employers in the Essential Services all have a duty to the nation to conduct their bargaining in a responsible manner, so as to ensure that there is no damage to the economy of the country. If they cannot agree, they can go to voluntary arbitration. If they want to strike or lock-out in preference to going to voluntary arbitration, the Government must have the power to enforce arbitration and see that it is used to settle the dispute to prevent a general dislocation of industry.

Before I leave Part IV of the Bill, I wish to make one final observation. It is in the interests of the workers and employers alike that these provisions are set out here. The Government expects full support from both sides. All trade unionists, whether employers or workers, should reflect on the inevitable consequences of their failure to give that support.

Now, Part V of the Bill repeats the existing provisions regarding the Essential Services, and makes certain new provisions which the Government is satisfied are necessary to protect the economy from the dangers of irresponsible industrial action. We are all familiar with the existing law which requires that a period of notice should be given before labour is withdrawn from an essential service. This is all right so far as it goes, but the Government and the people are interested in uninterrupted economic progress, and certain industries are so essential that if they stop, other productive industries have to stop too. I think the gentlemen in this House have seen instances of this.

An hon. Member: Hon. gentlemen.

[The Minister for Labour and Social Services (Mr. Mwendwa): All right, hon. gentlemen then. Mr. Speaker, Sir, I think the hon. gentleman then this House will have noticed what happened last month when there was a bank strike. I intervened in this strike for three solid days, until the whole country, even those who were not connected with the bank, had to go without money. I, for one, had to borrow money, because I felt, so small having to go and line up at the bank, so I asked my clerk to lend me £1. As I said, this strike did not affect the bank workers alone; it affected many innocent people outside. Therefore, Mr. Speaker, Sir, we must have somebody who can say that this must be stopped, because the ordinary people also count. You cannot have the whole country suffering as I suffered on that day, and I am not ashamed to tell you that I asked my personal secretary to lend me £1 because I had run out of money. Therefore, Mr. Speaker, Sir, the provisions that have been made are that, in the Essential Services, a trade dispute must first be reported before any strike is threatened and the Minister may, if necessary, compel the parties to go to the Industrial Court for a settlement. In such cases, the court's award will be binding and the Minister must have power to prevent that award from being ignored by having the same trade dispute reported after

We must take a realistic view on what is an essential service. The list in the First Schedule is longer than the list in the present Essential Services Act, but it is not as long as the list which was in force a few years ago, when my hon. friend was the General Secretary of the Trade Unions in the country. At that time, the Labour Organization was in better hands and, therefore, there were better ways. Mr. Speaker, Sir, I have said that the list that we have at the moment is longer than that which we had previously, but even so, it is not anywhere near the list which was in force but a few years ago. The Government is satisfied that the industries referred to must continue to function at all times, and that all reasonable means short of outright prohibition of strikes and lock-outs, must be adopted to avoid stoppage in those industries. It has not escaped the attention of the Government that some workers' leaders in the Essential Services, are inclined to talk more about striking than anyone else. This betrays, clearly the existing tendency to abuse the powers which our freedoms allow. The nation is entitled to expect from union leaders in the Essential Services a great, not a lesser, sense of responsibility than from other union leaders. Let me speak plainly. The Government will not be defeated in its purpose of achieving economic progress by anyone. The Government will only impose restrictions where it has to, and the responsibility for ensuring that it does not impose those restrictions lies on both sides of industry. The measures we now propose would not have been necessary had there been some cooler heads on some shoulders before.

I now come to Part VI of the Bill relating to the check-off system. Mr. Speaker, Sir, no workers' union has any fundamental right to require an employer to collect union dues on its behalf. Legally, they have no right to do so and the employer has the right to refuse to do so.

[The Minister for Labour and Social Services] development, but it is also pledged to preserve the freedoms enshrined in our Constitution. One of these freedoms is freedom of association. The Government is anxious to give effect to the Universal Declaration of Human Rights, article 23 of which refers to the right of trade unionism. The Government is also anxious that Kenya should maintain its adherence to the standards set by the conventions of the International Labour Organization, in particular those relating to the right to organize and the encouragement of collective bargaining.

The main purpose of this Bill, Mr. Speaker, therefore, is to give real effect to the Industrial Relations Charter while enabling the Government to safeguard the national unity and to avoid unnecessary damage to our economic development. This Bill should be seen as an implementation of article 4 "The Right to Organize", from a collective bargaining Convention in 1949 held by the International Labour Organization. That article says, and I quote, with your permission, Mr. Speaker: "Measures appropriate to national conditions shall be taken where necessary to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations with a view to the regulation of terms and conditions of employment by means of collective agreement."

Mr. Speaker, I hope the Members have studied this Bill properly and I would like to inform them that this Bill is divided into seven parts. It includes the provisions of the Trade Disputes Act, 1964, and of the Essential Services Act, which will be repealed. Thus, all the law on the settlement of trade disputes will be consolidated in one Act where it can be read and understood without difficulty by all who are concerned with industrial relations. Part I to Part III of the Bill repeat the provisions of the Trade Disputes Act, 1964, without any amendment, other than amendments of a consequential character. Thus the procedures for the reporting of trade disputes and for conciliation and for voluntary reference to arbitration or to the industrial court remain essentially as before. Part IV of the Bill, Mr. Speaker, has new provisions of the Bill, which are particularly directed to giving force to the Industrial Charter and are contained in this part which is entitled Adherence to Agreements and Awards.

One of the main principles of the charter is that the existing agreed machinery for settlement of disputes in an industry should be utilized fully before strike or local action is taken. It is

expressly agreed in the charter, Mr. Speaker, that strike and lock-out weapons should only be used as a last resort which has not been the case in the previous months, and I think the hon. Members and the audience will agree with me that this has not been the case. On the whole, Mr. Speaker, as between organized labour and employers, there is ample existing machinery which the parties have agreed to use before resorting to strike or lock-outs.

It is essential, therefore, if the existing pattern of industrial relations is to survive that these industrial agreements are honoured by both the employers and the employees, and their agreed procedures adhered to.

The danger, Mr. Speaker, has been busy strike action, whether official or unofficial, in these circumstances, someone must act impartially, firmly and quickly. So clause 19 of this Bill empowers the Minister for Labour to require parties to adhere to agreed procedures and to declare a strike or a lock-out, whether actual or threatened, to be unlawful while that order is in force. This part is very important, and I want the hon. Members in this House to listen to this very carefully. If I, as the Minister, can persuade the parties, without an order, to follow their machinery and to make an agreement and honor that agreement, so official or unofficial, it is not necessary for me to make any order at all, but the order will be made by me where the two parties have refused completely to use the machinery which is there for them to use, and which they have agreed to.

Mr. Speaker, here I must say clearly that if the Government is to rule this country and to protect those people who are not actually in employment and who are doing little business here and there, employing a few fellows, it must have the power to make the order. Therefore, I am given here the order to make a strike illegal. The Minister may be called upon to act quickly and it may not always be that he is in full possession of the facts. The Minister's order, Mr. Speaker, should be regarded as being in the nature of a temporary and interim injunction or prohibition, and that makes it very clear any order which I make should not be regarded as permanent, it is just an interim injunction and as soon as these people agree to follow the machinery, my order is revoked.

Clause 23, Mr. Speaker, gives either party the right to appeal against the Minister's order to the industrial court where both sides can bring out the full facts and the court has full authority to confirm or to revoke the order made by the Minister. Therefore, the Minister can act

[The Minister for Labour and Social Services] quickly and effectively without doing any injustice. If the Minister must hesitate before making an order, the damage may be done before he can decide to act. If the Minister has to act on his own knowledge and the full ventilation of the facts before the court shows that the order should be revoked, no harm has been done. An important provision is that the Minister may revoke an order himself, and here, Mr. Speaker, it shows clearly that there are two people who can revoke the Minister's order. One is the industrial court and the second one is the Minister himself. I can revoke my order if I find out after making the order that the facts I had been given were not sufficient.

Another virtue, Mr. Speaker, of this provision is that neither the Minister nor the industrial court are enmeshed in legal technicalities. Industrial agreements and industrial relations are not matters to be argued over in a court of law, I, as the Minister for Labour—and I hope the industrial court—will have regard to the spirit and intention as well as the strict letter of industrial agreements.

In addition to clause 19, Mr. Speaker, there are two other provisions designed to enable the Minister for Labour to give support to the Charter and the industrial agreement. Clause 20 empowers the Minister to make a similar order where there appears to him to be a failure to adhere to agreements and awards. Binding agreements should be encouraged. One side or the other may make a concession, provided that it is binding for a period of time. It is no use enforcing agreement procedures for negotiation if the terms of the agreement reached by such negotiations are ignored.

The third provision: clause 21 empowers the Minister to make a similar order in the case of so-called sympathetic strike or lock-out. What is meant by this, Mr. Speaker, is a strike or lock-out action in one industry which is taken to put pressure on employers or workers in another industry. In an extreme form a sympathetic strike is a general strike where workers in every industry try to go on strike to support the workers in another industry. It must be clear to all that in our society there can be no justification for a general strike or lock-out. That is nothing less than declaring war on the Government or on the people. It is only in rare circumstances that any sympathetic strike or lock-out is justified. I think the Members agree with me. Generally speaking, Mr. Speaker, employers and organized labour have sufficient bargaining power within their own industry without outside assistance.

When a fire breaks out, you try to put it down, you do not let it sweep throughout the town or throughout the country before you take action.

In recent months, as I said, Mr. Speaker, there have been signs and wild talks of a general strike or strikes in one industry and the threat has been lodged by people working in another industry to help them. Mr. Speaker, when a strike is called in one industry or threatened, there is immediate wild and emotional talk of other industries joining in. What would happen if every time we had a difficult dispute to settle in one industry, and there was a danger of strike or lock-out action, employers or workers in other industries threatened to join in? It is obvious that someone must have the power and authority to prevent a threat of a strike or a lock-out from spreading like a bush fire to industries which are not involved or concerned with that strike. We may look forward to the day when we will depend upon the restraint and sense of natural responsibility of all leaders in industry. It is unhappily evident that that day has not yet come. In the meantime, the Government must have power to act.

This is the power I am speaking of in this House, and I hope hon. Members will support me to have that power. It may be objected by a few Members who may feel that the Minister's power, under clause 21, is very wide and that it might be abused. I have considered this and I have two important points to make.

Firstly, the pattern of industry is extremely intricate. It will be impossible to lay down beforehand when sympathetic strikes would be justified and when it would not be. Someone must have the right to draw the correct line in all the circumstances of each case. The Government has to hold the balance between public interest and the personal interest of those in industry. So this power of decision must, in the present circumstances, lie with the Minister, and not with the employer or with the worker.

My second point is that there is an appeal to the Industrial Court from the Minister's order, when a party can attempt to justify their action. Even if the court did not consider it should revoke the Minister's Order, the Minister himself would be bound to take note of any justification which might emerge from learning all the facts of the case.

An hon. Member: It is very serious.

The Minister for Labour and Social Services (Mr. Mwendwa): Yes, it is very serious.

[The Minister for Commerce and Industry]

Now, the hon. Member for Kiharu—The Specially Elected Member, Mr. Malinda, who missed his great opportunity of speaking when the hon. Members were speaking, wishes to make a speech now sitting down. Mr. Speaker, Sir, I refuse to listen to speeches made, but I will not go any further.

Now, Sir, the hon. Member for Kiharu, who is also the Assistant Minister for Lands and Settlement, spoke as if he was the Member for Thika township. I would like to remind the hon. Member this is not in his constituency whatsoever. It is in the President's constituency, but nevertheless I shall consider Thika as well as Nairobi and all other cities and townships in the country.

The hon. Member for Doonholm Road drew our attention to the fact that in addition to this key money which I have said we must make illegal, there could be a situation whereby two rent books could be kept, the one to show to the inspectors when they come, and the one that actually does record the situation. I would like to warn the landlords that any person caught doing this kind of thing—It is rumoured, Mr. Speaker, that even in the question of income in this country, the people have several books, one for the accountant, one for the wife, and one for the tax collector. Now, if this kind of practice goes on, it must stop, because we check them, and the rents have to be the same way, one for the tribunal and one for the tenant, and one for the partner who is not here so he can be given different information. These people will be caught by the tribunal. We are not going to allow double dealing in this country in any respect whatsoever.

Now, it appears that in one way, hon. Members, like the Member for Nyandarua, would like this tribunal to be very effective, and on the other hand, they would like the tribunal not to be passed. Now, the two must go together, power and efficiency.

The hon. Member for Mombasa Island South spoke in such a way that nobody else in the House understood him, including myself. He seems to have been saying that Asians do not exploit, but Africans are likely to exploit. I think he was trying to show that the Bill is not racial, but in trying to prove his point he went too far to the other side. He must leave it to us to prove his point. This is always wrong, to say that you must live this way to prove that you live that way. You have to stand upright and stop leaning one way or the other, and in this particular case, with my friend from Mombasa South, he

leans too much to one side. But with the definition of the word "shop" I agree with him that we shall look into that particular item.

Mr. Deputy Speaker, the hon. Member for Mombasa Island South, also felt that the tribunal should not have both inspectors and valuers. Well, I will not argue too much, the Bill simply says that staff may be employed.

The hon. Member for Nairobi Central, that is the Minister for Economic Planning and Development who also spoke as a constituency Member said, he felt that the fees charged should be reasonable enough to enable tenants to receive the services of the tribunal.

The hon. Member for Mombasa Island South had said that situations will arise where a tenant will not be able to pay the fees and when I asked him, out of order, Sir, whether even fifty cents when charged would be prohibitive, the hon. Member said that could be prohibitive in which case, Sir, I say that such a person should not be in business if he cannot afford fifty cents. I shall bear in mind the fact that this tribunal should be accessible to all tenants who require its services and all landlords who require its services, and under those circumstances, Sir, I would not consider penalizing the tenants or the landlords by asking for very high fees. I think, Sir, a case was made, and I shall give it very sympathetic consideration, of graduated, if I may use the phrase, or different rates for different kinds of cases. I think this can also be considered.

Now, Sir, I would like to talk about those persons who are already paying rent and would like to vary it. I have to stand up one time and draw hon. Members' attention to clause 12 (b), which says that the tribunal shall have power to determine or vary the rent to be payable in respect of any tenancy having regard to all circumstances thereof. This is a pretty general power given the tribunal and following the new clause, section 4, which also says that the tribunal may investigate any complaint brought to it, this means that if someone is already paying a particular rent and would like to bring this complaint to the tribunal, that will also be looked into. Mr. Deputy Speaker, Sir, I beg to move that the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill, be now read the Second Time.

(Question put and agreed to)

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

Second Reading

THE TRADE DISPUTES BILL

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I would like to introduce this Bill with all the Members in the Chamber so that my introductory remarks may be understood.

Mr. Deputy Speaker, we are proud to be free men in a free society. We are proud also that, as a free society, we have a well-established system of free trade unions representing employers and employees. With the active support of the Government, our trade unions, Mr. Deputy Speaker, have successfully built up a comprehensive voluntary machinery for collective bargaining of terms and conditions of employment and for the settlement of disputes. The Government is convinced that the protection and extension of these patterns of industrial relations is essential to economic progress and to the whole future, such as the prosperity of Kenya. The Government is also convinced that all responsible elements among the organized workers and among employers know this to be so. The Industrial Relations Charter of October 1962, was a solemn declaration of faith by Government, labour and employers in the efficient, co-operation and collective bargaining. The purpose of the Trade Disputes Bill, 1965, is to ensure that the charter does not merely become an ineffective declaration of pious faith. The purpose of the Bill is to secure that the principles of the charter stand for all times as guiding rules and the Bill of Rights of industrial relations in Kenya. Kenya has had industrial relations in Kenya. Kenya has had great success and has won international respect for its record in the field of industrial relations, but Kenya is not immune to the difficulties which beset newly independent African states which are only at the beginning of their industrial development.

There are two main difficulties for countries like ours: first, it is of paramount importance to maintain and to build up the national unity. If trade unions put their sectional interest before their responsibility to the nation and if they divide on political and ideological differences of foreign origin, they become a threat to national security. The Government is then put in an awkward position of having to choose between sacrificing the national unity or sacrificing freedom of association.

Secondly, the Government of Kenya, like other African states, is pledged to fostering a supreme national effort for economic development and maximum efficiency. Only a minority of the working population are wage earners in industry

and only a proportion of wage-earners have the advantage of using their collective bargaining powers. Organized workers in those circumstances can seek, through industrial action, to make a privileged position for themselves and they ignore the harm they do for their lesser fortunate brothers and the nation. No African Government can afford to allow a privileged minority of any description to retard progress and even worse, to retard the day when there is a satisfactory employment for all. A nation which is seeking industrial growth and capital investment must offer political and industrial stability. Employers and employees alike must understand their wide responsibilities.

In recent months, Mr. Speaker, there has been a deterioration in labour relations in Kenya, which the Government cannot ignore. The *Harabee* spirit, which is the key to our national unity has not been sufficiently evident in the organization of labour. There have been needless strikes and wild talk of bigger strikes. There is competition among leaders of labour organizations, and they tend also to show militancy instead of patience and responsibility. Organized labour, employers and Government have solemnly agreed in the Charter that strikes and lock-outs are a last resort.

There is a false idea abroad that sections of labour can improve their position by adopting the policy of strike first and bargain later. My audience will be well aware that these problems facing Kenya as a new African state have, in some states, led to drastic measures. The Government of Kenya must also act firmly. The question for us, therefore, Mr. Speaker, has been an anxious one. It is the question which was posed for Africans at the second African regional conference of the International Labour Organization held at Addis Ababa last year. Does the imperative need for efficiency and development compel us to abolish the right of freedom of association? I believe, as does the Government association? I believe, as does the Government

I believe, as does the Government, that it is incompatible with the special needs of the developing countries, like ours, and that with Government guidance and encouragement from Government, the trade union movement will make a more effective contribution to economic development in conditions of freedom than otherwise. It is up, therefore, to the leaders of both sides in industry to justify our faith in their ability to behave responsibly towards the nation. Their failure to justify that faith will bring a sad day for the nation and an unhappy one for them.

It is important to realize what is at stake, Mr. Speaker, in this position. Not only is the Government pledged to a programme of rapid economic

[The Minister for Commerce and Industry] happy to know that the definition, as I said, will deal with all people who trade whether they deal in trade, whether they trade in services or whether they trade in actual goods.

Now, the other point is the one raised by the Member for Kilifi South, the hon. Mr. Ngala, he felt that key money was not wanted. I think he was only strengthening the position I had already taken that it is more than not being wanted it is illegal and it is corrupt, and will definitely be abolished. The hon. Mr. Ngala, Member for Kilifi South, felt strongly that the shortcomings in this Bill, I am being very honest with all the Member's points, that the short coming in this Bill is that the initiative should not rest with the tenant, but with the tribunal, because it is here that the tenants will not have the nerve to go in case they lose and then they are convicted, by the landlord. I have done a bit of thought about this. The hon. Member for Nairobi Central, the Minister for Economic Planning and Development sought to argue in reply to this point, because he said that the man who is wearing a shoe knows where it pinches. Therefore, the initiative should remain with the tenant.

Well, Mr. Speaker, Sir, I would like to go a little further than that and draw the Members' attention to clause 12, section 4 which does give the tribunal very wide powers. A tribunal may investigate any complaint regarding to a tenancy made to it by the landlord or the tenant, and may make such orders thereon as it sees fit. I should like to remind the House that it is the Minister who may lay down the regulations which will then indicate the Minister receiving these kinds of complaints. The Minister is aware that there could be situations whereby a tenant may wish to complain to the tribunal but would rather that the rest of the work be done by the tribunal which I see actually will make it as easy as possible for the tenant to repeal these services of this tribunal without undue hardships.

Now, Mr. Speaker, Sir, the hon. Member for Kilifi South also talked about these buildings which have already been depreciated to zero, and he felt that in fact these buildings should not be rented at all, and if I may say that this cannot be quite accepted because if that is the case then all these businesses whether they be building businesses or not who have already paid their initial capital should not be making any profit at all. This is not a anti-profit making Bill, it is for the fair treatment of the tenant. The complaint is of unfair treatment and that is why

we are setting up the tribunal in order to reduce the Kenya economy that many landlords are not Africans but this Bill is not racial whatsoever, it is not aiming at punishing one racial community or protecting another. If you happen to be an exploiting landlord and you happen to be an Asian, it is just too bad, but if you happen to be a Masai, the same thing will happen. This is not a racial Bill.

Before I say whether we are going to put it, much of it will come from my good and my generous colleague, the Minister for Finance, and the remainder will come in terms of fact, and I should like to say that if the hon. Members feel as strongly as they have shown in this House this practice may even prove very hard indeed, because I should make it quite clear, Mr. Speaker, that I intend to make this law effective as soon as it is passed by this House in as many towns and townships as possible, including the premises of the Government. I do feel, however, that the Masai *manyattas* will not be affected.

Mr. ole TIPS: On a point of order, Mr. Speaker, where does the Masai *manyatta* come in this Bill?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I just pointed out that the Masai *manyattas* do not come within this Bill, because the Masai do not pay the rent to the landlord owning the *manyatta*.

I think I can also exempt the villages in my constituency, and in the constituencies of the rural Members, that the Government intends to make this Bill effective in all those townships and towns and municipalities where the question of rent is an applicable question.

The hon. Member for Nyaribari, the Assistant Minister to the President's Office, was very difficult, because he is a lawyer and I am not. First of all, he complained, like all other people, that this Bill should have included criticism, premises, and I have accepted this criticism, and this will be brought to this House by the hon. Minister for Health and Housing next myself. Then he sought to argue that this Bill may not help Africans, and will only protect Asians because it so happens that in the Kisii township most of the tenants are Asians. I would like to notify the hon. Member that Kenya consists of more than Kisii township, that what happens in Kisii may not be the situation in Thika or Nairobi or Kisumu. This Bill will definitely help the African traders, and there is no question about that I believe that African traders in Murang'a will also be helped as much, as the hon. Member, Mr. Kariki, would like us to believe.

Now, Sir, there were a number of hon. Members, including the Member for Nyandarua, who sought to see it on racial differentiation in this Bill. I would like to say that it so happens in

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that paying in advance does not become a prohibitive affair.

However, I will not agree with another hon. Member whose name I do not remember, but I have a feeling it is my good friend, the hon. Kibwaga, the Member for Wanjare-South Murgirango, that rents should be paid after the end of the month and not before. We have this problem, and I now speak from experience, because I have a little house next to my own house that I rent out, a small one, but when you rent a house to a tenant, towards the end of the month, he is to pay at the end of the month, he disappears, and then he goes to do the same at another place. So, he gets free rent everywhere he goes. I think the hon. Members will agree with me that we should keep to the principle of payment of rent in advance, and I also agree that it is right in this respect.

Now, Sir, the hon. Mr. Kibwaga, the Member for Wanjare-South Murgirango, wondered why clause 17 was irrelevant. Clause 17 says that this Bill does not involve capital. Let me say here, and make it even stronger, that the East African Common Services Organization shall also be defined as Government, and we believe, Mr. Speaker, that it would be ridiculous indeed for the Kenya Government, which is against exploitation and is wishing to protect the people from exploitation, to pass a Bill against it. It would be questioning the very wisdom of the Government. The Government has also been exploiting its tenants. Now, I must defend the Government of this country and say that it does not exploit the people, and that the tenants using Government premises have not been exploited. I am glad to say, Mr. Speaker, that not one hon. Member, not even one, brought any case whatsoever on the Floor of this House to indicate that any local authority, or any Government branch, has exploited any tenant. I am glad for that clear record of the Kenya Government, and its affiliates.

Mr. J. M. Kariki: On a point of information—

The Minister for Commerce and Industry (Dr. Kiatio): I will not give way.

Mr. Speaker, the hon. Member for Nyandarua spoke yesterday and he forgot that element. If he just remembers now, it is too late. But, I would greatly appreciate any information that the hon. Member would like to bring to the Minister, but as I said, I do not feel very sympathetic in the exercise of telling the Kenya Government to blame itself, and to call itself an exploiter.

that paying in advance does not become a prohibitive affair.

Now, I think—and if I am wrong I stand for correction—that the hon. Member for Nyandarua wished to simplify the situation, by saying we will not just fix the rent in particular areas in the township, instead of just leaving the matter open. The point, however, is this: That even if you take one street, like Kenyatta Avenue, Government Road, or River Road, and even Digo Road, you will find that who you contact say that all rents along this road must be equal, because some buildings are better than others and some are more suited to say that rents along Kenyatta Avenue must be fixed, rents along Duke Street must be fixed. Well, we would rather not do it that way.

Now, the hon. Member for Othaya-South Tetu is another lawyer, Mr. Speaker, and I have problems with these people because they are referred to as learned Members, and we who are not so learned never quite know whether we are on the right road or not. The hon. Member, Mr. Waritih, wanted to know about this question of payments in advance. I would like to draw his attention to the fact that the schedule appearing on page 163 is a schedule of the terms and conditions implied in the tenancy, whether or not it is verbal, so that even if it is verbal, these things must be lived up to. For example, the keeping of the building is by the landlord, but the cleaning of the inside is done by the tenant. To make sure also that the landlord does not put such an uncouth person next to the tenant that the tenant can no longer carry on his business, are such conditions, whether or not the tenancy is written. But, of these conditions, one was that the lessee shall pay rent for the premises in advance. The hon. Member for South Tetu felt that this could be abused, and I still think this could be abused, when the rent in advance required is for a year or two years, or even six months. It could then be a way of denying the prospective tenant the opportunity to take the building, and I think that is the powers kindly given to me, or by this Bill, we shall define the advancement that should be required. Mr. Speaker, Sir, we shall see to it

[The Minister for Commerce and Industry]

Another point that has been made in this House which I have agreed to listen to and comply with in accordance to the wishes of the Members of this House. The most important item in this respect, Sir, has to do with the definition of the word "shops". In the Bill as published, the word "shop" means premises occupied wholly or mainly for the purpose of retail trade or business. Hon. Members have pointed out that that definition is too restrictive and Mr. Speaker, Sir, I intend to move an amendment when it comes to the Committee stage to enlarge that definition in order to include those premises dealing not only with retail trade but also with wholesale trade and also all persons occupying premises for services for which they receive payment. I have in mind, Sir, such persons as African barbers, the African barbers which have rented premises in River Road, where I get my hair cut myself. These fellows are paying rent and in that respect they are traders, but the definition as it stands today would not have included them and, as I have said, when it comes to the Committee stage, we shall enlarge the definition of this word to include traders, even to the trade which entails cutting the hair of Members of this Parliament and of the public. That part will be taken care of.

Now, Sir, I wish to go over the points made by the various Members. The first speaker, Sir, was the hon. Member for Majogo-Bassi, Mr. Anyieni. I was very glad that he set the tone of the House by accepting the Bill. I want to thank him for that. I think that was a very good moment and all the people who spoke after him followed in his footsteps and accepted the Bill likewise. The hon. Member, however, was unhappy about the powers given to the tribunal. This point was even enlarged a little more by the Member for Nyandarua, Mr. J. M. Karubi, who felt that not only the tribunal but the Minister himself, has a lot of power. Now, Sir, I do have the feeling that Government requires power to govern, and if that one man is feeling unhappy that Government has power then we ought to reach the logical conclusion whereby we shall have to undertake so that nobody has any power in the country. I am sure my hon. friend, the Member for Nyandarua, and the Member for Majogo-Bassi, actually did not wish to criticize the Bill as such. What they wanted to say was that procedures that will be announced by the Minister in accordance to clause 16, will be such that these powers will be properly used. That they will be used to attain the goal for which this Bill has been published, rather than to punish

unduly any particular club of people, or to protect any other class of people, but rather in keeping with the Bill of Rights. I will therefore accept these criticisms in that spirit.

Now, Sir, the hon. Member for Majogo-Bassi, I am not quite sure, when we were talking it was quite easy to know which Member represented what constituency, but now that we are a House of 130 Members, it is quite an exercise to remember who represents what and where. The hon. Member for Majogo-Bassi wanted to know whether there were some landlords who actually ignored the Government wishes and increased the rent or evicted tenants after the Government has sent a circular requiring that this should not be done until the Bill has been moved.

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

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

I must agree with the hon. Member, that in this respect, that I did send at least three circulars to various landlords telling them that the working party has recommended the reintroduction of rent control, that the Government was working on this Bill, and it would be considered, in the spirit of *Harambbee*, if they did not raise the rents until such times as the Bill was published and patented. But I am sorry to say, Sir, that an uncomfortably large number of landlords, and when I say "uncomfortably large", because more than three is large enough, we do have cases of people who did not care at all what the Government said. What they did was to rush to their lawyers and their lawyers told them that so long as there is no law then you cannot be taken to court, and when that took place they made it very clear to us that the property on talking through our lawyers, that the property was their own, and that they are going to do what they want to do, and I cited the number of cases, Sir, when I was introducing this Bill, how we were defied. I do hope that this kind of behaviour will not be repeated in this country. When the Government requires co-operation it will be good if it does retain that co-operation and we have been receiving very good co-operation in other aspects. But in this particular aspect, I am afraid to say, there were a number of landlords, particularly here in Nairobi, who confessed in our office, when asked to come and discuss this matter with my officers to say, "you do not have the law; we believe in a Government of law not a Government of men". But a Government of law and not a Government of men is a very good thing, but these laws are

[The Minister for Commerce and Industry]

made by men, and I hope that we are all human beings in this House, who are now passing this law. Now, Sir, I hope this greed, because it was greed, it was an attempt to make a quick packet before the Government passes the law, I hope before the Government passes the law, I hope this kind of greed, which is very short-sighted, will not be repeated in our economy. That in the long run it is not the greedy person who becomes a rich person, that even good economies are greedy then against greed, because if you are greedy then you are easily found out and you are respectively punished, or you are boycotted, or you are ignored, or you receive no co-operation from the buyers and in the long run you spoil your name, and once you spoil your name in business then it is worse than losing your investments. The most important aspect in business is a good name and integrity. So, I would like to inform hon. Members that it is true that this is happening.

The hon. Member for Majogo-Bassi raised another point of absent landlords, or people who are building in this country, but live elsewhere, and feel that the Government should take those buildings. I think this is an entirely different issue, Mr. Speaker, Sir. It is not in any way referred to in the Bill, and I think that if the hon. Member wants us to clear a policy with regard to absent landlords, not only for building but for everything else, then he should bring that as a separate issue. I shall not deal with it at all in this House. Mr. Speaker, Sir, the hon. Member also, like many other Members, raised the question of these buildings which were built, let us say ten years ago, fifteen years ago or even built before I was born, and they felt that there is an element of unfairness, even if they do not say exploitation, to the people charging rent when in actual fact this building has already been returned to the investor the original amount of money invested. This point was particularly played up by my very good friend the Member for Nyandarua, and I would like to remind the hon. Member for Nyandarua, that he as a businessman, ought to know that when he invests he invests to make money. Now, Sir, if we invested say Sh. 100 and within three months the business has already returned to you Sh. 100. It does that mean that you should close shop? It does not. The hon. Member for Nyandarua ought to know, I am saying this in the dark and trust that if I am wrong then I shall be corrected outside the House, that the first persons who invested in the building industry shall be considered in the same way as the other investors. When the amount of money which has been invested in a building and has been paid back in other businesses like running a taxi service,

or other things, they do not close shop. I do not think you can punish a landlord just because his money has been paid back. What you have to consider is this, is the house required or not required for business? What is the market value of a building?

I think practically all the buildings in this country, the taxis being driven around Nairobi, and if I may say so, many other businesses here in Nairobi have already paid back to the investors the amount they initially invested. But, Mr. Speaker, Sir, for them to say that if a building has paid back this amount should to that extent be no longer charging rent as the hon. Member for Majogo-Bassi says would be a bit unfair to the investors.

Now, Mr. Speaker, Sir, the hon. Specially Elected Member, the hon. Mr. Jahazi, felt that this Bill should have included residential places. This point was also supported very strongly, not only by my friend from Nyandarua, but also by other Members. But the reason why Mr. Speaker, Sir, I am making so many references to the Member for Nyandarua is because he just kept on speaking on the points already made by other persons, only that he tried to improve on the points. Now if another Member has referred to the point my friend the Member for Nyandarua has also referred to the point, what I would like to say is that I have the authority to say that the Government is very concerned about trends as far as residential places are concerned, but this matter will be brought to this House by the appropriate Minister, the Minister for Health and Housing, that we shall not protect tenants and housing, that we shall be concerned as our Government will wish also to protect who occupy residential premises. This can be taken as a Government policy and that a statement will be brought to this House at the appropriate time by the appropriate Minister regarding rent for residential property.

The hon. Mr. Jahazi also referred to the definition of the word "shops" and wanted to make sure that doctors who have rented premises should also be protected and that the definition of the word "shop" should be enlarged to include this. As I said before, Mr. Speaker, Sir, the definition of the word "shop" was agreed with the feelings of the House will be widened to include such premises.

Dr. De Souza: Offices also?

The Minister for Commerce and Industry (Dr. Kioko): The hon. Dr. De Souza who is a lawyer, and who I believe, Sir, does rent premises to perform his services should also be

[Mr. Argwings-Kodhek] the task of making certain details available to this House is because it appears that rumours had started running around this building and we wanted to clear up these rumours. Usually, whenever they get hold of a matter like this, they raise certain rumours, and this case was started only on the 21st April. As the hon. Members know, or should know, nobody has been kept in police custody for more than a limited period even with regard to this matter, without having been taken to court. I cannot see every much point in this.

The Speaker (Mr. Slade): If you can tell us definitely, whether or not there is a charge?

Mr. Argwings-Kodhek: There is a charge.

The Speaker (Mr. Slade): So we cannot take it any further.

Mr. Anyien: On a point of order, Mr. Speaker, I do not know what the policy is of this House, but this man has been arrested and he has been charged; the question has been allowed to come to this House. I want you, Mr. Speaker, to make it clear to us what the position is, when a man has been arrested, his case can go to court, and you, Sir, as Speaker, can allow the question to be raised here and the Government can agree to reply to that question.

The Speaker (Mr. Slade): It is not possible for the Speaker to know, in the case of every question, whether the matter is *sub judice*. But if it is actually *sub judice*, the Ministry should refuse to answer on that ground.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, when dealing with a matter which is *sub judice*, surely the mere fact that a person has been charged does not preclude a statement of facts, confirming, one, that a man was arrested, and two, that he was arrested in the circumstances described, but not going beyond that, so as to prejudice the case one way or another? I think this is what the Assistant Minister was trying to outline, that although the arrest has been made and although a charge has been preferred, and although a discussion of the circumstances or the aspects of the case might be *sub judice*, yet to confirm that an arrest has been made and a charge has been made does not appear to me to preclude the right of Government to give the information where it is required. I would not have thought so.

The Speaker (Mr. Slade): It is in order, as the Minister says, for the Government to say in

advance that a man has been arrested on a particular charge. But that was not the question. The question was: what was the make of the firearms found in this house, how they had been transported to this house, by whom and why, all of which would be relevant to a charge. Even what has been found in this house, I would say, was relevant to the charge and should not actually be discussed, as being *sub judice*. It is out of our hands, we cannot go further now.

BILL

Second Reading

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL

(The Minister for Commerce and Industry on 22nd April 1965)

(Resumption of debate interrupted on 21th April 1965)

Mr. Omar: Mr. Speaker, Sir, yesterday, when I was interrupted—

Mr. Anyien: On a point of order, Mr. Speaker, when you ruled that we could not continue with the question, I looked at the question and I said that the Minister has not replied to the question as to who transported the arms there. Then Mr. Speaker, the hon. Mr. Ngala here has just said it could be me, it could be the hon. Mr. Anyien who transported them. I would like to know, Mr. Speaker, whether it is proper for one Member to say a thing like that about another Member.

The Speaker (Mr. Slade): Mr. Ngala, what have you to say to this?

Mr. Ngala: I never said that.

The Speaker (Mr. Slade): You deny that you said it? If you did say it, of course, it would be very improper and I would have to ask you to leave.

Mr. Oduya: On a point of order, Mr. Speaker, it is not your duty to advise this House that when there are matters like this of urgent national importance before the House Members should avoid provoking other Members, as my friend was pointing his finger—

The Speaker (Mr. Slade): Order, order! Of course, Members must refrain from improper provocation of each other. As I said, if Mr. Ngala had said that, I would require him to leave the Chamber. He denies that he said it.

Mr. Anyien: On a point of order, Mr. Speaker, there is a Member sitting very close and when the hon. Member was saying these things he said them to him. Would it not be proper to ask the hon. Member to confirm this?

The Speaker (Mr. Slade): I cannot possibly turn myself into a court of inquiry. Order! Would hon. Members please remain seated while I speak?

If I hear an hon. Member make an improper remark then, of course, I take action. If he acknowledges having made an improper remark, then I take action. If he denies it, I can do no more.

Mr. Omar, will you please continue?

Mr. Omar: Yes, Mr. Speaker, Sir.

Yesterday, when I was interrupted because the time was over, I was speaking on written or written agreements between landlord and tenant, and I stressed that what the Ministry should accept is that it should only be a written agreement and not an unwritten one between landlord and tenant.

Another point I would like to stress very much, Mr. Speaker, is about the impression given by some Members here that the majority of the landlords in the country are Asians and therefore they exploit the African tenants. I would like to say that there are also African landlords in this country who are also exploiting the African tenants and therefore this has become a sort of distaste war between the landlords and the tenants. They may be Asians or Europeans or Arab, these landlords, and even African landlords, who exploit their fellow-European tenants or Asian tenants or African tenants, and, therefore the impression given, that it is the Asians who are exploiting the African tenants should be dismissed from the minds of some of the hon. Members in this House. I am not the advocate of the Asian landlords, but what I feel I should say, Sir, here is that it is general exploitation.

Under the present economic division of this country we find that there are African capitalists who are exploiting their fellow-Africans, and this is a thing which we do not want. We want to put an end to it. A capitalist is a capitalist, no matter whether he is African, Asian or European. But as long as he is a capitalist he exploits Africans; and therefore when we are opposing exploitation, we should not think where it comes from, whether it is from Asians or Europeans. We should oppose exploitation from any source and not oppose exploitation from

community of Asians or Europeans or Indians only. We are here to oppose exploitation and therefore we must oppose it openly, regardless of colour or creed. Therefore I must say that so long as this Bill is coming, it should not be thought that it is here only to protect African tenants but it is also here to protect even some of the European, Asian and Arab tenants. So in this case, Sir, I wish to make it quite clear that we do not want exploitation from any source at all.

Another thing, Mr. Speaker, which I wanted to mention is about clause 4 (4), where it states:

"A notice to a tenant required to be given under this section, may be served by delivering to him personally, or to an adult member of his family..."

Now here, Mr. Speaker, I can find a trick, which I have experienced in my constituency. There are some landlords who are dishonest and they may pretend that they have delivered a notice of termination to a tenant two months back, whereas in actual fact that notice has not been given two months previously, as required by the law. So what I think here, Sir, is that the Government should see to it that all the notices of termination of tenancy should be given in writing and should be sent by notice of termination to the tenants to ensure that the notice of termination is received by the tenant. If it is left like this, Mr. Speaker, a dishonest landlord can claim to have given notice of termination to a tenant two months previously, as is required by the law, whereas in fact the tenant has not actually been given two months' notice.

Another point, Mr. Speaker, that I want to mention is about clause 6 (1), where it mentions "a tenant who wishes to oppose a notice of termination or alteration served on him by the landlord under section 4". In this clause, I would like to know if the tenant, when he wishes to make an appeal to the tribunal, has to pay any fees; and if he has to pay any fees, he should like to know the amount of the fees he should pay. If he has to pay any fees, and he is not in a position to do so, he cannot afford to pay the fees. We would like to know the arrangement under which such a tenant would be allowed to lodge an appeal to the tribunal without paying the fees which are due. I am sure, Sir, there would be some cases in which a tenant will be probably required to pay fees and he may not have sufficient money to pay them, and therefore he will not be able to take the matter to the tribunal. That will mean that it is denied justice under this Act. So we would like the

[Mr. Malsori-Nambo] that these promises were clearly given to the people and they were informed by the Ministry of Agriculture that tractors were to come, and yet they did not, and they are now given to people farming cotton around Lake Victoria and some of the areas, especially Migori Division, are not allowed to have them for cultivation?

Mr. Osogo: The information which the hon. Member for Kuria is putting to the House is completely incorrect, Mr. Speaker. What happened was that no Government official promised Migori people any tractors at any time, but there were suggestions, Mr. Speaker, that it would be possible for the Government to hire tractors and loan them to cotton growers, which has happened. At this time, Mr. Speaker, there are several tractors in South Nyanza assisting cotton growers in that area.

Mr. Bala: On a point of order, Mr. Speaker, I wish to seek your guidance. When the Assistant Minister says something contrary to what the Government said, because the Chairman of the Cotton Board, Mr. Muliro, was in Central Nyanza, and he was told point blank—

The Speaker (Mr. Slade): Order. Mr. Bala, I think you are doing what hon. Members so often do, rising on a point of order to say that the answer is not truthful. I have dealt with that so often. I am not going to deal with it again. You cannot rise on a point of order in that way.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Assistant Minister's reply that no tractors were promised by any official of this Ministry, will the Assistant Minister agree with me that he has admitted privately to myself, when I raised this question with him, that the announcement was made by this officer in South Nyanza for the tractors to be given to the farmers in their district prematurely, when arrangements had not been made for the tractors to come to South Nyanza, and that the tractors which are in South Nyanza now are not those which were prematurely promised?

Mr. Osogo: Mr. Speaker, if my language is correct, I have said no tractors were promised to the Migori people, and the word "promised" should be marked, but the hon. Member is right in telling me that I discussed this point with him and that a suggestion was put by an official of our Ministry to the people of Migori and not a promise.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is the Assistant Minister aware that during the course of last

year, Mr. Mirie came to Nyanza and promised that he was going to send tractors to help the people of Central Nyanza and South Nyanza to cultivate their land?

Mr. Osogo: Mr. Speaker, Sir, if Mr. Mirie who is the Director of Agriculture said that he was going to send the tractors to Nyanza Province, then, Sir, he was right, for they are already there.

The Speaker (Mr. Slade): We must go on now.

QUESTION BY PRIVATE NOTICE

FIREARMS FOUND IN A PRIVATE HOUSE IN MAJOGE, KISII

The Speaker (Mr. Slade): Mr. Khasakhal, you have a question by private notice? Will you ask it now?

Mr. Khasakhal: Mr. Speaker, Sir, under Standing Order No. 26 (2), I beg to ask the Minister for Internal Security and Defence the following question.

Could the Minister tell the House the make and how the twenty-four firearms which were found at the home of Mr. Pio Nyandwara a Kanu leader of Majoge location in Kili, on 21st April 1965, were transported to his home and by who and why they were kept there?

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, as the hon. Member for Embuys has said, this matter arose on 21st April, and for reasons which I shall explain later, we may not go into the details as to how these so-called weapons went down to Majoge. I wish to say this—

Mr. map To: On a point of order, Mr. Speaker, Sir, I want to know from the Assistant Minister whether they were "so-called" weapons or they were real weapons?

The Speaker (Mr. Slade): That is not a point of order. Will you please sit down.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, acting on information, the police went to this man's home in Majoge and found what I am going to tell you right now, and I must say so because this is likely to raise terrific alarm in the country and among the public, having due regard to certain things which have happened about a fortnight ago. The firearms and others that were found in Nyandwara's house in a sack and were as follows: three live rounds of .22 ammunition, one empty .303 cartridge case, one toy cap

[Mr. Argwings-Kodhek] a pistol, an old broken tin containing grenade fuses, three home-made pistols, seven wooden bodies for home-made guns, six small wooden bodies for home-made pistols, one bottle containing rifle oil, one bottle for grenades, six staining pipes, apparently for making gun barrels, wrapped in a paper and believed to be for explosives, one police notebook—suspected of having been stolen—one law book, Volume No. IV, 1930: three phials of procaine penicillin, two new sheets of sandpaper, apparently for smoothing arms, one wooden box containing springs, chisels, a small saw and other small items for manufacturing arms, a number of books, receipts and letters belonging to Kanu, a number of documents connected with the Land Freedom Army. Also found in the house were found two Barclays Bank books of Dominions, Colonial and Overseas, and one cheque book, three bottles containing oil or a similar substance, five new springs believed to be of a type which could be used in the manufacture of firearms, various iron bars and nails believed to be of use in manufacturing firearms.

Mr. Khasakhal: Mr. Speaker, Sir, could the Assistant Minister tell the House the make of the particular firearms he has referred to, whether they were identified as stolen from a police post or from somewhere?

Mr. Argwings-Kodhek: Mr. Speaker, I have already spoken of .22s and an empty .303 cartridge case. The others are home-made articles. Mr. Speaker, Sir, and secondly— That is all.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies of the Assistant Minister, could he tell us whether the .22 or the .303 ammunition was locally purchased and where, according to his investigations, or whether it was smuggled from overseas and how did it get to Kisii?

Mr. Argwings-Kodhek: Mr. Speaker, they are home-made. The .22 was apparently stolen. But this matter, as I have told the House, took place on the 21st April. The police are still investigating. The man concerned is one of those who claims to have gone into the forest, Mr. Speaker, Sir, when the President asked people to get out of the forest and Land Freedom Army groups. He joined the Land Freedom Army and he admits so far that he surrendered or his troops surrendered a number of firearms, but he thought it better to retain a few, but this matter is being investigated.

The Speaker (Mr. Slade): It is not actually *sub judice*, I hope?

Mr. Argwings-Kodhek: As a matter of fact, Mr. Speaker, I can go so far but not very much further.

Mr. Ochwada: Mr. Speaker, Sir, is the—

The Assistant Minister for Finance (Mr. Okello-Okongo): On a point of order, Mr. Speaker, Sir, I am sorry for my colleague here that I have to admit that I find this question very unusual and the answers that are being given, because if it is a question of somebody having illegal arms, this is something which should be taken over by the police and the matter should be a matter for the court and not for this House.

The Speaker (Mr. Slade): That is why I asked Mr. Argwings-Kodhek whether the matter was *sub judice*. If a man has been charged with an offence in relation to this matter, then it is out of order for questions to be asked or answered meanwhile. But unless and until we reach that point, it is certainly within the scope of questions in this House to raise a matter of this kind. The House may be most interested to know, when an incident of this kind, has been disclosed, whether it is being pursued and the way in which it is being pursued.

Mr. Anyien: On a point of order, Mr. Speaker, we would like to know this as a matter of policy for this House or Standing Orders. This man was arrested, I think, as the hon. Member says, and this man's case is in the court. I am wondering, Mr. Speaker, whether we will be allowed in the future to raise questions when the persons affected have been arrested by the Government and are in the courts. Otherwise, I would like to know, Mr. Speaker, whether these questions do pass through you first for you to accept them to come before this House, and whether the Government also gives consent to reply to such questions before they come to the House, so that we can raise such questions when matters of that type are in the court?

The Speaker (Mr. Slade): A question by private notice only comes forward with the consent of the Speaker, and in circumstances which he thinks proper for a question by private notice, which has to be a matter that seems to be of some urgent and public importance. If, as be of some urgent and public importance, in Mr. Anyien now tells me, the man named in this question has been arrested and charged, this question has been arrested and it should not be discussed in this House, but I asked the Assistant Minister if it was so, I understood it was not so.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, what I said was that I could only go to a certain point, and one reason why my Ministry accepted

The Speaker (Mr. Slade): I understand, Mr. Barasa, that your question was corrected and sent in its corrected form to the Ministry.

Mr. Barasa: Yes, Sir.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply.

The figures as requested are as follows:—

	Form I	Form V	Total
Central	65	27	92
Coast	10	5	15
Eastern	25	14	39
North-Eastern	0	0	0
Nyanza	39	8	47
Rift Valley	32	9	41
Western	35	15	50
Nairobi	4	12	16
Others	0	4	4
	210	94	304

Mr. Barasa: Mr. Speaker, Sir, would the Assistant Minister tell the House what determined the selection. Was it age, merit or what?

Mr. Mutiso: The determination of selection of candidates, Mr. Speaker, depended on the number of pupils who sat for the Kenya Preliminary Examination from each province.

Mr. Khasakhala: Mr. Speaker, Sir, in view of the fact that the Minister has given us a breakdown of the number of students admitted to Kenyatta National College, could we ask the Minister to give the House the names in writing of the provincial breakdowns?

Mr. Mutiso: Mr. Speaker, Sir, I do not follow the question.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, in having given the House the breakdown of students per province, could he in the near future give this House also information in writing of the names of the students from each province and which schools they came from?

The Speaker (Mr. Slade): That is another question. It will have to be the subject of another question.

Mr. Masinde: On a point of order, Mr. Speaker, Sir, in view of the fact that it relates very much to this question, I think it would be in order if we could get this in writing as Mr. Khasakhala has requested.

The Speaker (Mr. Slade): Yes, if the question is put in properly for it, you will get the answer.

It is not the same question as this one. When the question is how many students from each province, it is not a question of whom from each province. It is another question. Hon. Members are entitled to ask another question about this, but not as supplementary to this one.

Mr. Khasakhala: On a point of order, Mr. Speaker, I need your guidance on this. When the number was referred to, the counting comes from names, and if we want to know the number of these who bring about the figures, it is in order—

The Speaker (Mr. Slade): I think, Mr. Khasakhala, you must get used to the idea that my rulings are not questioned.

Mr. Ochwaña: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the figures of the selected candidates were derived from the figures of the students who sat for the Kenya Preliminary Examination, is the Assistant Minister in a position to tell the House, or to give the House, a breakdown of the number of students who sat for the Kenya Preliminary Examination in each province?

Mr. Mutiso: Mr. Speaker, Sir, in Central Province there were 35,307 in 1964; in the Coast Province, there were 7,294; in the Eastern Province, there were 15,630; in Nairobi there were 5,210; in Nyanza Province there were 11,231; in the Rift Valley Province there were 17,919; in the Western Province, 10,062. Mr. Speaker, we expect a bigger number this year.

Mr. Masinde: Mr. Speaker, Sir, since the Assistant Minister has given us a breakdown of various places, could he also tell us how many sat an examination, and those who were considered as private candidates?

Mr. Mutiso: Mr. Speaker, Sir, I am sorry, I need notice of that question, because I do not have the list of the private candidates here.

The Speaker (Mr. Slade): Is there anyone authorized by Mr. Amin to ask his question?

Mr. Khalif: Yes, Sir, I am.

Question No. 1078

BURSARIES FOR SOMALI BOYS

Mr. Khalif, on behalf of Mr. Amin, asked the Minister for Education if, in view of the fact that the Government had already offered bursaries to twenty-five Somali boys from the North-Eastern Province, the Minister would tell the House when these students were going to be sent abroad.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. I am fully aware of the educational needs of the North-Eastern Province. At the beginning of this year, Wajir, Secondary School was opened at Wajir. This school absorbed all the twenty-seven North-Eastern Province pupils who sat for the Kenya Preliminary Examination in 1964. Because of my awareness of the need, I even allowed eight candidates who sat for the Kenya Preliminary Examination in 1963 to be admitted to the secondary school.

These admissions have taken up all the youths who were qualified for post primary education of any kind by virtue of completing a seven or eight years course. There are, apparently, no other persons in the province, with any comparable educational background, to whom opportunities for further education can be offered, whether in Kenya or abroad.

It should also be noted that three teachers from the same area had already been selected for training overseas; two in the United Kingdom and one in Australia.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister agree with me that the promise made by the President to offer twenty-five bursaries to Somali students was one of the usual promises and pledges undertaken by this Government for the residents in the North-Eastern Region, which never have and never will materialize?

Mr. Mutiso: Mr. Speaker, Sir, I cannot agree with the hon. Member because the President's offer is still outstanding, and the Government which offers these Government scholarships does insist on a certain educational standard and that is School Certificate, Cambridge School Certificate. In the North-Eastern Province, we do not have any people who have already qualified under the School Certificate standard, and if the Member can produce some who have School Certificate qualification, the Minister will be prepared to help those students.

The Speaker (Mr. Slade): Mr. Maisori-Itumbo, I understand you are authorized to ask Mr. Okwanyo's questions?

Question No. 1039

IMPROVEMENT IN QUALITY OF SUGAR-CANE

Mr. Maisori-Itumbo, on behalf of Mr. Okwanyo, asked the Minister for Agriculture and Animal Husbandry what plans the Ministry had to improve the sugar-cane quality and quantities in Migori.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The improvement of the quality and quantity of sugar-cane being produced in the country is being dealt with in the following ways. An East African sugar-cane station is to be established to breed varieties of East African sugar-cane. The varieties so produced will be tested in our own national research station which we are in the process of establishing at Kibos. This station will have substations.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that people in Migori Division were encouraged to plant more sugar-cane in that area and, when the cane was produced, they had no place to sell it and there is nothing now, it has just been wasted? Can the Assistant Minister assure the House that something is to be done at Migori and not Muhoroni or Central Nyanza, which is 150 miles away from Migori?

Mr. Osogo: Mr. Speaker, the cane that grows in the Migori area is being processed at this time by the jaggery factories in the area and we expect, if there is any excess, to grant them more licences for jaggery factories to process the sugar-cane which grows there.

Mr. Sikakau: Arising from the Assistant Minister's reply, Sir, to the effect that the sugar at Migori is being processed into jaggery, is he aware that jaggery is one of the items that should be discouraged for it is that very jaggery which is being used for brewing Nubian gin?

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

Question No. 1040

TRACTORS FOR SOUTH NYANZA PEOPLE

Mr. Maisori-Itumbo, on behalf of Mr. Okwanyo, asked the Minister for Agriculture and Animal Husbandry, whether he was aware that some top agricultural civil servants in Nyanza had announced to the people that South Nyanza would be given ninety tractors and that this had not been implemented.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. There were no promises or categorical statements made to this effect, although agricultural staff held meetings in South Nyanza to sound the people's feeling regarding the proposed Saga groups.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware

[Mr. Anyieni] Paper when the Government will reply next week or so?

The Speaker (Mr. Slade): We have abandoned the practice of distinguishing between questions, such as those ordered or those to be answered extempore. All questions are put on the Order Paper for reply within the time prescribed by Standing Orders, whether or not we have received the reply from the Ministry; and then the Minister is expected to be here with his reply, or explanation as to why he will not reply or is not ready to reply. The procedure is perfectly normal in this case. If the Minister has given a reason for delay, then this question will accordingly be answered, when he is ready for it.

Mr. Makone: On a point of order, Mr. Speaker, Sir, in view of the fact that the same question was asked last year and the Assistant Minister of last year answered the question, and he knew very well the number of non-Africans who had purchased land and the Member now is finding out whether any additional non-Africans have purchased land. Does this mean that the answer given last year was a wrong one?

The Speaker (Mr. Slade): You are saying, Mr. Makone, that this question has been answered already.

Mr. Makone: Yes, Sir.

The Speaker (Mr. Slade): I am not aware that it has been answered, but if it has, within a reasonable length of time, already; then of course it is out of order. We will look into that.

Mr. Gichoya: On a point of order, Mr. Speaker, here is a matter for clarification. The impression given to the House is that the question which has been asked was related to one district and consequent to the answer from the Government could have given the answer to the national problem in the sense that the Government of the people must know the statistics of people who buy the land, whether in terms of owning or renting.

The Speaker (Mr. Slade): What is your point of order, Mr. Gichoya?

Mr. Gichoya: Mr. Speaker, Sir, I said—Mr. Speaker, Sir, I would like to have clarification from the speaker and correction, of course, but I must complain that some of the Junior Ministers—

The Speaker (Mr. Slade): What is your point of order, Mr. Gichoya?

Mr. Gichoya: Mr. Speaker, Sir, my point of order is this. The question that the hon. Member said has already been asked in this House related to one district, but this question which is being asked today is in connection with the nation. Consequently, if it were possible to get the form for one district, then on the national basis the Minister ought to consult the list.

The Speaker (Mr. Slade): Unless you can tell me right now your point of order, you must sit down, Mr. Gichoya.

Will you sit down, Mr. Gichoya.

We have had quite enough of these points of order for a bit, we will go on to the next question.

Question No. 1037

OPENING OF SECONDARY SCHOOL IN NERKWO

Mr. arap Too asked the Minister for Education whether, in view of the promises made by both the Minister for Education and by the party top officials to the Marakwet people that they would get financial aid to open a secondary school at Nerkwō in 1965, would the Minister now tell the House when these promises were going to be fulfilled.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. While it is agreed that the Ministry of Education is committed to establishing a secondary school in the Marakwet area, it is not accepted that the Ministry is obliged to establish the school at a particular place or under any particular management. In fact, an aided secondary school in the Marakwet area has been opened at Chebara. As thereby fulfilling the Ministry's obligations as a matter of fact, Marakwet is better off than many other areas, because it has three secondary schools now: namely, Chebara, Tambach and Iten.

Mr. arap Too: Mr. Speaker, Sir, I rise on a point of order. The Assistant Minister says that the Marakwet people have three secondary schools, when they have only one. I would like to know whether the Assistant Minister is in order in informing the House that the Marakwet people have three secondary schools when they have only one.

The Speaker (Mr. Slade): I cannot rule that the answers given by Ministers are in order or out of order because they are correct or incorrect. As I have told hon. Members before, if you can prove that the Minister has given an untrue answer, either immediately or subsequently, then

[The Speaker] the Minister can be required to come here and the Minister can be required to come here and acknowledge that fact to the House. Otherwise, though, the usual form is to test his answer by way of supplementary questions. The question you can now ask 'him is where are these secondary schools.

Mr. arap Too: Mr. Speaker, Sir, may I now know from the Assistant Minister whether these three secondary schools in Marakwet are?

Mr. Mutiso: Mr. Speaker, Sir, I will be very happy to reply to that. The three secondary schools are Chebara, Tambach and Iten, as I have already said.

Mr. arap Too: Mr. Speaker, Sir, the Assistant Minister is telling the House that the three schools are in Chebara, Tambach and Iten. Is the Assistant Minister so ignorant that he does not know that Iten and Tambach are not in Marakwet?

Mr. Mutiso: Mr. Speaker, Sir, this is included in the Elgeyo/Marakwet District.

Mr. arap Too: Mr. Speaker, Sir, the Assistant Minister therefore having accepted that he is ignorant of the geography of the area, will he now tell the House why the Minister for Education announced in a public meeting which was held at Kapsowar on October 26th 1964, that Nerkwō would become a secondary school in 1965?

Mr. Mutiso: Mr. Speaker, Sir, for the information of the House, and the hon. Member who is asking this question, my information is that the hon. Member had committed himself to promising the people and, especially with the Catholic mission, that a school—

Mr. arap Too: On a point of order, Mr. Speaker, Sir, these are very serious allegations. I have never—

The Speaker (Mr. Slade): Let us hear what Mr. Mutiso has to say.

Mr. Mutiso: Mr. Speaker, Sir, for the information of the House, the hon. Member did commit himself to the Roman Catholic missionaries that a school which was recently opened and that is the school which I have already stated earlier, Chebara, will be opened under the management of the Roman Catholic Mission, but this has been already given to the A.I.M. and this is why, Mr. Speaker, Sir, the hon. Member is trying to suggest that the Government is—

The Speaker (Mr. Slade): It is completely out of order to make up reasons for supplementary

questions. All you are asked to do is to answer supplementary questions.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, in this House, there are times when we have asked questions and the Minister deliberately gives a very different answer and, Mr. Speaker, Sir, you ruled yesterday that the Minister is free to answer the way he has done or to refuse answering the question, and I do not understand under which Standing Order you rule the Assistant Minister out of order before he had finished, by saying he is not replying to the question.

The Speaker (Mr. Slade): I do not quite know what point you are dealing with Mr. Anyieni, but I take it you are dealing with the answer that has just been given by the Assistant Minister. I have said many times, and I say it again, that the extent to which a Minister chooses to answer a question is his affair, but sometimes I point out to him that he has not answered the question. But I do say, and I say again, that in answering a question a Minister is not entitled to impute reasons for the question. There is no need for it and it is improper for him to do so.

Mr. arap Too: Mr. Speaker, Sir, I realize that the Assistant Minister is reluctant to answer my question, but now I want to ask another supplementary question. Is the Assistant Minister aware that even the Minister for Economic Planning and Development was among the top officials of the party who promised Marakwet Sh. 20,000 to build and finance the proposed Nerkwō secondary school?

Mr. Mutiso: Mr. Speaker, Sir, although I am not aware that the Minister for Economic Planning and Development did make this promise to the hon. Member's constituency, all that I am aware of, Mr. Speaker, Sir, is that the Government has already fulfilled its promise by opening the school at Tambach which is already aided by the Government and therefore it has fulfilled its promise.

The Speaker (Mr. Slade): I think we must go on now.

Question No. 1039

SELECTION OF STUDENTS FOR KENYATTA NATIONAL COLLEGE

Mr. Barasa asked the Minister for Education if he would tell the House how many children from each province were selected for Kenyatta National College this year.

Mr. Bala: Arising from the Assistant Minister's reply, could he tell this House what kind of negotiations the Government of Kenya has made with the Government of the Soviet Union so that we know exactly how things stand?

Mr. Osogo: As far as we are concerned as a Government, the Soviet Union Government volunteered to give us some assistance. One of the forms of assistance we asked them to give us was to undertake the Kano irrigation project as a whole, and develop it. They sent here some specialists to have a feasibility survey made, and we are awaiting their report, to know whether they are or are not coming to undertake the project. Unless and until these reports are handed to us, we would not know what the Soviet Government is thinking about.

Mr. Ghehoya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the bill lies with the Soviet Union, does it mean that the Kenya Government has taken no steps to find out, up to this moment, what is the opinion of the Soviet Government, so far as the period for putting this project into operation is concerned?

Mr. Osogo: I am sorry, Sir, that this supplementary question is getting rather far away from the original question, but I do not mind answering it, Mr. Speaker, we now and then call on the Russian Embassy to find out what the Russian Government is doing, or what it is considering, in connection with this project. We have also written to our Embassy in Moscow, to find out from the Russian Government there. But unless we get replies from either the Russian Embassy or our own Embassy in Moscow, we, as a Government, can do nothing.

Mr. Nyallick: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House whether it is only the Russian Government which would be able to undertake the Kano irrigation scheme?

Mr. Osogo: Would the hon. Member please repeat his question, Mr. Speaker?

Mr. Nyallick: Arising from the Assistant Minister's reply, Sir, could he tell the House whether it is only the Russian Government which could tackle the Kano irrigation scheme?

Mr. Osogo: No, Sir.

Mr. Malsorn-Itumbi: Mr. Speaker, Sir, would the Assistant Minister agree with me that the hon. questioner is in a better position to know what is going on between his Constituency and the Soviet Union Government than the Government is?

Mr. Nyallick: On a point of order, Mr. Speaker, this is very serious, because I am not expected to know better than the Government. Why should I know better than the Government?

The Speaker (Mr. Slade): Order! I think we will disregard Mr. Malsorn's question. We will go on to the next question.

Question No. 1072

DEMOTION OF PROVINCIAL AGRICULTURAL OFFICER

Mr. Godia asked the Minister for Agriculture and Animal Husbandry if he would tell the House the circumstances which led to the demotion of Mr. Peter Vuyiya from the provincial agricultural officer to county agricultural officer.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

Mr. Peter Vuyiya has not been demoted at all.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply, that Mr. Vuyiya was not demoted, could the Assistant Minister tell the House what really did happen, if he was not demoted?

Mr. Osogo: Mr. Speaker, Sir, the hon. Member who has asked this supplementary question should know exactly what did happen, because he was at a meeting, Mr. Speaker, where the hon. Members of Parliament from the Western Province put a case to the Minister that the officer in question was not doing all that they expected him to do in that province and asked the Minister if he could be removed.

This, Mr. Speaker, is what the Minister did on his plate when he considered removing Mr. Peter Vuyiya. We considered posting Mr. Vuyiya to Egerton College as a tutor, since he could not be accepted in another province to hold that post. The officer in question refused to accept this, and then accepted to be posted to Lands and Settlement on the same emoluments and the same grade. This is where he is at present, Mr. Speaker.

Question No. 1058

TEA-GROWING: MARAKWET DIVISION

Mr. Sam Toi asked the Minister for Agriculture and Animal Husbandry when he intended to authorize tea growing at Sangurur and Sambirir areas in Marakwet Division where tea experimental plots have proved them to be potential areas for tea growing?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Tea is to be extended to the Kapchoror area where the fertility of soil and climate has been proved and it is not too far from the Trans Nzoia where the leaves will be processed. Sambirir is about fifteen miles beyond Kapchoror and Sanguru is still further, for economic reasons therefore, these places cannot be considered for tea growing at present.

Mr. Sam Toi: Mr. Speaker, Sir, will the Assistant Minister tell the House what was the purpose of the Government making the experiment in the Sangurur and Sambirir areas?

Mr. Osogo: I have not at any time denied that tea can be grown in these areas which the hon. Member is referring to, but it is because of the financial problems I mentioned that we cannot, for the moment, encourage development of tea there but when the third phase of planting tea comes up, these two places will be considered, but not at present.

Mr. Anyien: Mr. Speaker, Sir, would the Assistant Minister tell us what financial necessities are required before tea can be planted in such areas, in view of the fact that former coffee nurseries could be changed into tea nurseries to enable people to plant tea in different areas where they can grow it?

Mr. Osogo: I have several times, Mr. Speaker, answered similar questions to that which the hon. Member has just raised, but, to remind the House of the replies I have given on these questions, I will again answer the hon. Member's question.

Mr. Speaker, Sir, there are a number of factors which are involved in planting tea and developing tea in an area. Number one, is the finance for the factories which process the leaves. Number two, is the finance to develop roads. Hon. Members may be glad to hear that when I was in the United States last week, I negotiated with the World Bank for a sum of about \$3,000,000 for developing some tea roads in tea areas in this country. Number three, Mr. Speaker, are the stamps to be grown. Now these three factors are the ones we must have in mind before we consider expanding tea development.

Question No. 1069

LAND PURCHASES BY NON-AFRICANS

Mr. Godia asked the Minister for Lands and Settlement:—

(a) Could the Minister tell the House the number of non-Africans who had purchased land in Kenya?

(b) How many of the non-Africans were Kenya citizens?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. The reply to this question, Mr. Speaker cannot be given today, as it involves a great deal of research which the Commissioner of Lands and the Immigration Department have been doing during the last month and which they hope to complete probably towards the end of next week. I promise, Mr. Speaker, the House that as soon as I have received the necessary information from these two departments I shall submit the report to this House either orally or in writing.

Mr. Ngala: On a point of order, Mr. Speaker, now the intention of first submitting these questions to the Ministry and secondly putting them on the Order Paper is with the confidence that the Ministers are prepared to reply to these questions, I am seeking your guidance, Mr. Speaker. This question has been put on the Order Paper with that understanding. Is the Minister in order in saying that he cannot give a reply?

The Speaker (Mr. Slade): Oh, Yes, quite definitely. The purpose of the Standing Order which requires all questions to be put on the Order Paper within a certain time after they have reached the Ministry is that that Ministry should then answer the question or say why it will not answer the question. Now there are occasions, which were recognized, I know, when this Standing Order was adopted, when the amount of research required will delay a question beyond ten days. The House should be quite satisfied in that case, as long as the question is put on the Order Paper for the Minister to come and tell the House so, and tell the House why there will be a delay in answering the question. I would suggest on this occasion that the Minister has given a perfectly good reason, having regard to the nature of this question; and this question will accordingly come up on the Order Paper again when we sit again in June.

Mr. Anyien: Mr. Speaker, I sometimes see on the Order Paper questions given as they are given today and then I have seen another set of questions on another schedule "questions ordered" and then I have seen on the Order Paper sometimes "questions extempore" something like that. I sometimes thought that some of these "questions ordered" are the questions to which come whether the Ministry is prepared to answer them or not and if for this particular question the question was not ordered because of time, how is it that it appeared on the Order

[Mr. Ngala-Aboki] with proper qualifications are now roaming about the country, advertising their qualifications to the ordinary man, who does not know what are the proper qualifications.

Mr. Nyamweya: Mr. Speaker, Sir, in connexion with that lengthy question which is full of contradictions, I would like to say that since the hon. Member has asked me this question basing it on security reasons, if I reply, the security reasons he mentions may disappear.

Mr. Ochwada: Mr. Speaker, Sir, would the Assistant Minister agree with me that the first attempt a student who has just returned from overseas makes is to try and join the Civil Service and it is only after he has been frustrated in this direction that he decides to join private enterprise?

Mr. Nyamweya: Mr. Speaker, Sir, I do not want to agree with the hon. Specially Elected Member, but I would like to inform the House that because this constant complaint which has been received from the hon. Members and other quarters, that many Kenya nationals who return from courses overseas having different qualifications have experienced some difficulties in getting into the Public Service, I agree it is not always easy to assess their abilities, and the Government is considering introducing public examinations for entering various cadres of the Civil Service. This would ensure, among other things, that no discrimination purely on where the qualifications were obtained and it would establish, I believe, a fair system among work-seekers.

Mr. Mullor: Would the Minister assure this House that in the case of pilots who come from overseas, in the interest of the safety of the armed forces who travel by air in this country, that their qualifications and experience will be thoroughly tested on the ground in Kenya before they can undertake travel by air?

Mr. Nyamweya: That assurance, Mr. Speaker, is generously given.

Question No. 1092

RETURN OF FIREARMS TO OWNERS

Mr. Barasa asked the Minister for Internal Security and Defence if he would tell the House how many firearms and lethal weapons confiscated or retained in safe custody during the Emergency of 1952-1956 were eventually returned to their owners at the end of the Emergency and subsequently.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. No weapons were confiscated during the Emergency. They were merely retained in police custody until the owners' directions were obtained, regarding the disposal of these firearms. Where no such directions were received, the weapons were disposed of, after due notice, in accordance with the law.

In 1963 alone, some 3,600 persons aided Government to dispose of their firearms. The actual licensing of privately-owned firearms in this country was assumed by the police in early 1954, and since that time, some 20,000 firearms have been disposed of either on the direction of the owners or because the owners failed to give disposal instructions within the two months' time limit imposed by the Government.

Mr. Barasa: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House how many of them have been returned to the owners and how many are still retained and why are they still retained in safe custody?

Mr. Argwings-Kodhek: As a matter of fact, no firearms are retained in safe custody longer than the two months' notice given to the owner.

Mr. Shikuku: Arising from the Assistant Minister's reply, in connexion with this two months' period, is he aware that the two months' period sometimes elapsed before the people themselves received the notice, and if so, is he prepared to review the cases of those who did not receive their notice in time?

Mr. Argwings-Kodhek: As a matter of fact, the notices were sent to the addresses given by the owners of the weapons, and if they gave the wrong addresses, the fault is entirely theirs, but every case is considered on its own merits whenever it comes up.

Mr. ole Tiplis: Mr. Speaker, Sir, could we know from the Assistant Minister the number of firearms which were disposed of by the Government due to the fact that the owner did not reply to the two months' notice, and also what check the Government has to see that these notices are received?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I will say that we have disposed of more than 20,000 and in 1963 I said that more than 3,600 people asked the Government to dispose of their firearms. Now, with the two months' notice, we can only rely on the good faith of the person who brings the arms and ammunition for safe custody. He gives us a certain address, and a

[Mr. Argwings-Kodhek] Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that a gentleman called Mwandani Tokki in Ribe, in Kilifi District, and another gentleman called Mwanguna in Jibana Location, were actually pursued by the police to give up their firearms, because there was this danger of Mau Mau? Is that confiscation or a free, voluntary giving up of the arms?

Mr. Ngala: Arising from that reply by the Assistant Minister, is he aware that these arms were not sent to the Government voluntarily by the owners. They were compulsorily collected by his Ministry, and in the case of Kilifi District, for example, the owners have asked for the return of the arms. The Government has refused, and with no compensation to the owners. Is this not unfair?

Mr. Argwings-Kodhek: I might explain here. Mr. Speaker, the hon. Member for Kilifi is complaining about the Kilifi area, and the Government did not use the word confiscate. No confiscation took place at all. The owners brought the firearms to safe custody because they were afraid that some Mau Mau might go to their houses, Mr. Speaker. But, I must stress this. Before you are given the arms, you must show that you have a current firearms licence.

Mr. Ngala: Mr. Speaker, Sir, I rise to seek your guidance. I would like the Assistant Minister to say definitely what he means by the owners bringing them, because we are aware of the owners being forced to give up their arms. The implication is that the owners voluntarily took their firearms to the police stations for safe keeping, because they were afraid of Mau Mau activities. In Kilifi, there were no Mau Mau activities at all, and yet the people were forced by the police.

The Speaker (Mr. Slade): So you are asking the Assistant Minister to confirm that there was no compulsory surrender of firearms?

Mr. Ngala: Yes, Sir.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, what I have said is that no firearms were confiscated from anyone at all as any time. People were advised. If someone had a number of firearms hanging around and he had not got the usual safe, he was advised that perhaps he might wish to have some of them in safe custody, although he could retain one for his own use. But there was no confiscation.

The Speaker (Mr. Slade): I think I must point out Mr. Argwings-Kodhek, that you have not answered Mr. Ngala's question.

I think I must allow Mr. Ngala another supplementary question.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that a gentleman called Mwandani Tokki in Ribe, in Kilifi District, and another gentleman called Mwanguna in Jibana Location, were actually pursued by the police to give up their firearms, because there was this danger of Mau Mau? Is that confiscation or a free, voluntary giving up of the arms?

Mr. Argwings-Kodhek: I now understand a little bit, Mr. Speaker, what the hon. Member for Kilifi wanted to say. He must have prepared the example of these men from Kilifi who were pursued by the police. But in the Firearms Act there are definite and specific regulations, and there is a provision regarding the owner of any firearms to install a safe, usually locked up, or fixed with chains or screws to the floor or the wall. Now if this man, Mwanguna, did not comply with these particular regulations, the police would require him to surrender the firearms.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 1092: RETURN OF FIREARMS TO OWNERS

Mr. Shikuku: On a point of order. Mr. Speaker, in view of the most unrealistic and unsatisfactory reply of the Assistant Minister, I wish to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 1000

INCREASED SWAMP AREA ROUND LAKE VICTORIA

Mr. Bala asked the Minister for Agriculture and Animal Husbandry what plans he had to encourage people living along the Lake Victoria shore to grow rice in swampy places.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osoyo): Mr. Speaker, Sir, I beg to reply. Our long-term rice development schemes in the area are based on irrigation, but negotiations are currently being conducted between Kenya and the Soviet Union Government. My Ministry, however, does give the advice necessary to grow rice in this area and to make sure that the production does not fall below the present figure.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, when can the people of Kano expect this irrigation scheme?

Mr. Osoyo: Well, Mr. Speaker, Sir, the ball is not in our court, it is in the Soviet Union's court.

[The Assistant Minister, President's Office] determining a factor in appointing chiefs. These are many other points which the committee takes into account, not least of which was the candidate's suitability to perform the vital job of a chief, and equally there are a lot of other factors which the Government also takes into account before they appoint a chief.

Now, in the case of the four locations of Murang'a District about which the hon. Member for Kandara is concerned, some delay did occur in effecting the appointment of chiefs, but this is not only in Murang'a. As the House may know, last year the hon. Vice-President, when he was the Minister for Home Affairs, he effected the dismissal of a good number of chiefs throughout the country.

Mr. Omar: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this statement of the Assistant Minister when he said that popularity alone does not qualify completely for the candidate to be appointed as a chief as there are some other factors to be taken into account. Now since this matter is of vital importance—

The Speaker (Mr. Slade): I do not think that is a point of order. No, no. Mr. Omar, I think hon. Members should know by now that points of information or points of explanation are quite different from points of order. You can only rise on a point of information if the hon. Member gives way; and you may not force him to give way by a fraudulent point of order.

The Assistant Minister, President's Office (Mr. Nyamweya): Thank you very much, Mr. Speaker, Sir, I was saying that in pursuance of the Government's policy, last year the former Minister for Home Affairs, now Vice-President, requested a number of chiefs all over the country to relinquish their duties, and this they did. Now the former Minister for Home Affairs proceeded and made appointments in various locations under the procedure which I have already outlined to the House. Quite a number of chiefs of various locations all over the country, not only in Murang'a were not appointed, and as the hon. Member for Majoge-Bassi has mentioned in the House even in my location where my former chief had to relinquish his office in July last year, I was without a chief until a couple of weeks ago. Now, due to the administrative difficulties, brought about by the transfer from the Ministry of Home Affairs to the President's Office in the transfer of that administration then, the delay was really inevitable. Everyone knows that when such transfers occur, particularly when Ministerial functions are transferred from

one Minister to another, some delay is inevitable. I can assure the House that the delay in this case was no longer than was necessary. First, now, for your information, there are some places in certain locations in the Coast Province, for example, where we have not appointed the chiefs, and know that. We have carried out the operation for all other provinces except the Coast which we hope to conclude very soon. The Government is satisfied, however, that the chiefs have been accepted by the people and are working hand in hand with all the people of their respective locations since their appointment.

As a matter of fact, the hon. Member for Kandara has not said a word about the chiefs appointed for Locations 7, 13 and 17, which means at least he must be giving the Government some credit for appointing chiefs in three locations where complaints has not been made. Now, the Government has heard no complaint against them from any section of the population, and is therefore satisfied that the correct persons were appointed to fill these posts. But, Mr. Speaker, Sir, I would like to say here, that the President himself has made it very clear that the chiefs, being the Government's representatives in the locations, must be very popular persons, and if any community anywhere, in any location, is not satisfied with the chief who has been appointed, then the complaint should be registered to the Government through the proper channels and I would like to assure this House that if such a complaint is properly channelled it will be given all the consideration it deserves.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I was wondering if there is any way whereby we can pursue this question, is that if a motion has been moved on the adjournment and you are not satisfied, because I have learned that the Government has not denied the allegation that the chief in question was not among the last three candidates interviewed by the selection committee. Since he has not replied to that, can I again pursue that question?

The Speaker (Mr. Slade): No, I think that is view of our rules of repetition of matters which have been debated, whether on a substantive Motion or on a Motion for the Adjournment, the answer is No.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is now adjourned—until tomorrow, Wednesday, 28th April, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 28th April 1965

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

NON-WORKING OF PARLIAMENT CLOCK

The Speaker (Mr. Slade): Before we start the Orders of the Day, I must point out to hon. Members, as they have probably observed already, that the clock is not working. Perhaps it has gone on strike, or rather off strike, on account of criticisms levelled at it during recent sittings of this House. We are trying to get it repaired as soon as possible. Meantime, I can only go by my own watch, which now says twenty-six minutes to three.

NOTICE OF MOTION

OUTSTANDING LAND CLAIMS: INVALIDATION OF

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

THAT, in view of the fact that in Kenya there are land claims by Arabs, Asians and Europeans, which are not yet adjudicated, this House urges the Government to invalidate such claims to enable the land to revert to Government for distribution to the poor Africans who have established themselves as squatters on this land.

ORAL ANSWERS TO QUESTIONS

Question No. 1077

AFRICANIZATION: EDUCATION OFFICER, NORTH-EASTERN PROVINCE

The Speaker (Mr. Slade): With reference to the first question, I understand from Mr. Amin that he had actually given notice of withdrawal of this question, because the post referred to has already been Africanized. So, we will go on to the next question.

Question No. 1073

ABSORPTION OF STUDENTS FROM ABROAD

Mr. Ngala-Abok asked the Vice-President whether, in view of the large number of Kenya citizens who came from overseas countries with different qualifications and techniques, the Government could state how

they were absorbed into the country's service and whether some of them had been ignored by the Government through lack of a re-orientation and employment programme.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. When students come from overseas countries with qualifications that fit them for various jobs in the Civil Service, they are appointed according to the scales at the level of salary commensurate with their qualifications. The Public Service Commission is the employing organ of Government, and the final decision as to what appointments are made, rests solely with that commission. As far as the Government is concerned, no African with proper qualifications has returned and sought employment in the Public Service without success, unless they expected to be appointed to posts, the requirements of which, were beyond their qualifications or experience. Some students return from studies overseas and seek employment in the private sector of the economy. It should be emphasized here, Mr. Speaker, Sir, that nobody has been ignored by the Government or denied employment because of lack of re-orientation—with all due respects to the questioner. I do not really know what he means by re-orientation. It can hardly be over-emphasized that appointment of officers to the Public Service rests with the Public Service Commission.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would the Assistant Minister tell this House that any students, so far, who have studied to become pilots in various countries, have these people been employed and if not, are they not being ignored, have they not been ignored?

Mr. Nyamweya: Mr. Speaker, Sir, regarding the people who have undergone military training including those who have been trained as pilots, there is already in existence Government machinery for the recruitment of new personnel into the various branches of the Kenya Armed Forces. Individuals who are keen to join the Kenya Armed Forces, including the Kenya Air Force, must be prepared to be considered on individual merit and through the proper Government recruitment channels.

Mr. Ngala-Abok: Mr. Speaker, Sir, for the security of the country and for reasons of statistics, would the Assistant Minister in the President's Office tell the House how the Government prescribes what qualifications these people need know when they come from overseas, and would the Assistant Minister tell us how many

[Mr. Omar]

Another point, Mr. Speaker, I would like to mention is about clause 3 (1), where it says, "A tenancy may be a written tenancy or an unwritten tenancy, and if it is a written tenancy it may be in such form as the Minister may, by regulations made under this Act, prescribe." Now here I understand there is an agreement to be made between landlord and tenant. If it is an unwritten agreement, it will be very difficult for the tribunal to decide the proper agreement which was made. I would very much like it to be that if there is going to be any agreement between landlord and tenant, it must be in writing, so that if there is any dispute between these two parties and the matter is taken to a tribunal, there will be no difficulties concerning the nature of the agreement. If it is left unwritten, Sir, there is a danger that the landlords who are well-to-do might brief a lawyer and the poor tenants who do not have enough money to brief a lawyer to appear before the tribunal will always lose the case. Therefore, it should be made clear that any agreement between landlord and tenant must be in writing.

The Speaker (Mr. Slade): Would you like to break off at this point, Mr. Omar? You can continue with the debate on another day.

MOTION FOR THE ADJOURNMENT

APPOINTMENT OF CHIEFS IN MURANG'A

The Speaker (Mr. Slade): It is now time for the interruption of business, and I will now call on a Minister to move that the House do now adjourn.

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko) seconded.

(Question proposed)

Mr. Kagula: Mr. Speaker, Sir, in view of the unsatisfactory reply which I received from the Assistant Minister in the President's Office, on Question No. 958, I decided to raise this question on an adjournment. The reason for raising this matter, Mr. Speaker, is that in my question I wanted to know from the Minister how this delay of about one year came about, and why these appointments were delayed, while the others were done about a year ago. In his answer, he took advantage of the fact that only a few days before my question came up—although this was after my question had been submitted to the Ministry—the appointments were made.

Now, Mr. Speaker, about a year ago, ten chiefs in Fort Hall were dismissed, and I would like to mention here the procedure which was followed and what happened afterwards. The procedure was that whoever was aspiring to the position of chief was to submit an application to the district officer in each division, and after the applications were received, an interview committee was formed, and this committee was composed of a Member of Parliament in each area, members of the Regional Assembly and members of the county councils. Now, in this particular division of mine, Mr. Speaker, I personally was a member of this interview committee, and in this committee, we decided that we look into all the applications, and we interview all the applicants, after which we shall shorten the list down to twelve, and then the twelve passing our interview would go to the public so that the public would choose three out of the twelve. Now, the question here is that the locations which I have complained of, are Locations three, seven, thirteen and seventeen. Now, all these were done the same month with other locations in the whole district, but when the time for appointment came, these four locations were not appointed. About a year has elapsed without a chief in any of these four locations.

Now, suspicion grew in the old district as to how this delay came about, and why these chiefs had not been appointed. Now, some were afraid about this, and some were even suggesting that it might be that the Government was not pleased at the choice of the people, and wondered whether something wrong was being contemplated. So, I decided to raise this question and find out from the Government why these appointments were not made, but after a long time, I think more than four weeks, I did not get the reply from the Ministry, but somebody telephoned me and told me, very cleverly, that the same week that question was coming to the House, the appointments were made. So, I thought that this was to try and anticipate this question and try to brush aside my inquiries as to why this delay took place.

Now, what I am concerned about, Mr. Speaker, is about the appointment of Location 3. Following this procedure which I have described, the man who has been appointed now was knocked out by the interviewing committee and another twelve people went to the public for appointment, or for selection. The twelve persons who were selected by the public were Daniel Njehia, Njuguna Kihara, and Wapahara Nguruku. Now, as we were promised by the

[Mr. Kagula]

Government that from these three the Government would appoint one of them, the public in this location were quite prepared to accept any of the three as their new chief, but they were not prepared to accept anyone who was not passed by the interview committee or who did not appear in the field for their selection. Now, the surprising thing, Mr. Speaker, in spite of all these procedures which we followed and the people followed in the location, the man who was appointed was a completely different man, who never appeared before the public at all. This means he is a person who has no following whatsoever in the location. This man is Peter Kinemia. I remember this name very well, Mr. Speaker, and according to our selection in the interview committee, he was the first to be knocked out. It is very surprising to see that he is the man that the Government has appointed.

Mr. Speaker, I feel very strongly when raising this question, because this procedure was explained by the then Minister for Home Affairs, the hon. Mr. Odling, before the appointments or the selections took place. The same procedure has been reiterated lately by the President himself, but it is surprising that when this has been reiterated by the Head of State, that this has not been followed and a completely wrong person has been appointed to this position.

Mr. Speaker, to make matters worse, when this man was appointed, he started doing everything he could to entrench himself in his new position. When the appointment was announced, the location straight away opposed his appointment, and Kanu arranged a meeting in their office to pass a resolution to submit a memorandum to the President informing him that he had appointed the wrong person. When this man had appointed the wrong person, and had these Kanu leaders arrested in their office, alleging that they were holding an illegal meeting, and these people—about forty of them—are in gaol still.

The Speaker (Mr. Slade): I think you are a little outside the scope of the matter which you purposed to raise on this adjournment.

Mr. Kagula: I am only explaining that this man was wrongly appointed without the consent of the people, and he is now using his new position to maintain his illegally gained position.

Therefore, Mr. Speaker, what I am demanding in this matter, is that the procedure that the Government laid down is followed, and that everything is done according to the regulations

by the Government. But, somebody must have come in between and substituted the wrong name for the right name, and that is why I raised this question, because I was concerned as to why this delay was going on. I suspect that some civil servants must have gone to the office, and said that "this is the right person and this is the wrong person", because I cannot understand how a man who did not appear on the list could be appointed, and none of the three persons who were selected by the people themselves was appointed.

Therefore, Mr. Speaker, I would urge the Assistant Minister to consider this very seriously, because the location in question is very serious about this and they are going to do everything they can to see that they have the right person, because if it was during the colonial times, when the appointments were made by the district commissioners or the provincial commissioners, then we could understand it, but this is a time when we are told to select them. We selected when we are told to select them, and we sent three names which were very clear. We asked them to the Ministry, but we had a completely different name altogether, and we do not know where the name came from.

Therefore, Mr. Speaker, I would like the Assistant Minister to explain this very carefully, as to why this delay of one year took place, and why the wrong person, whom nobody selected, has been appointed.

Thank you, Mr. Speaker.

Mr. Sūkuku: Mr. Speaker, I rise to support the views so far expressed by the hon. Member, because it is only a few days ago or some weeks ago that I stood in this Parliament and also pointed out to the Government the practice by some of the civil servants and their assumed powers, that go beyond the reasoning of the fact, when I heard of this question of the selection committee, I was surprised, if I may say so, that this did go on very well in other places, but unfortunately, in the Western Region it did not work very well. Those who were on the selection committee were actually civil servants. Their decisions were more or less final. I am of the opinion, Mr. Speaker, that if we are independent, and I think we are, then we are not going to—I am doubting this because of this imposition. How does this come about, Mr. Speaker?

Mr. Speaker, if I may go on, if we have to impose the chiefs on the people, then we are actually working for the downfall of the Harambee spirit. There would be a problem in

[The Assistant Minister for Economic Planning and Development]

this specimen form, the rent that is being charged was to be entered and to be initialled by the tenant and the landlord. This is most important. It may not be strictly a legal question, but this is the kind of loophole which, if not closed by the regulations the Minister is going to make, will be exploited. What happens is that the landlord, as we very well know happens in another case similar to this, that is, income tax, will keep one rent-book, which he wants to show the Government inspector. He will have another rent-book which is locked up in a cupboard and which is the true one, where he will enter the true figures.

Now, we must therefore make sure that in the regulations which are going to be issued, it is necessary for the rent-book to be entered in the presence of the tenant and for the tenant to countersign it, and then we really know that that is what the tenant is being charged.

Mr. Deputy Speaker, the question is going to be a very important one because, as it is here, we have a serious shortage of this accommodation, and without any ruling of that court, then we will not be able to exercise control.

Mr. Deputy Speaker, I notice that the Bill, as it now stands, is only going to be effective if a tenant complains. Sir, as has been said by a few Members here, we know that in Nairobi it is going to be very difficult to make this Bill effective, if we are going to wait until the tenant complains. Why? Because, Sir, there is such a serious shortage of accommodation and because the people who are now trading in Varma Road, Canal Road, Grogan Road, those places, or others, have sunk all their capital into that little business. Sometimes they have put themselves in debt so as to be able to set up that little business. If we leave it that the initiative is going to come from them, to complain to a tribunal, where the landlord will be represented by a qualified advocate, like my friend who has just gone out, if, Sir, we leave it like that, there will never be justice for the tenant.

We know, Mr. Deputy Speaker, from history, when it used to be necessary, for instance, for Africans to be represented by advocates in the Traffic Licensing Board. We could never, never get Africans to compete with the rich man who could employ the best advocate. The African went there; sometimes he was not able to speak in English. He would speak in Swahili and the tribunal would not follow the complaints. If the landlord, Sir, is represented by the most expensive lawyer in town, then you will not have justice.

What I am saying is that instead of leaving the initiative to the tenant, it should rest with us in the Government, with the Ministry, so that, Sir, we should be able to have a team of inspectors, rent inspectors, people who would be able, with the help of valuers, to estimate the fair rents for different streets in a town. This Bill does embrace the whole of Kenya, Sir, so there is no need for the hon. Member for Ndia to be very upset! It applies to all towns and all villages. But, as I have suggested, we need that the initiative for setting up the level of rents should rest with Government inspectors, helped by qualified bodies, so that in various streets in town we should be able to say that a shop or a certain area should have a certain rent attached to it.

Otherwise, you see, Sir, this would be one of those cases where justice is available in the law books but is not available to the lay citizen in the country.

Now, Sir, there is another point I want to raise here, again referring to tribunals. There is a question of fees to be prescribed, fees that are to be charged. I do honestly hope that when the Minister declares Nairobi to be the first place where this law will apply, then he will make the fee for consulting this tribunal something nominal, one shilling perhaps, or fifty cents, so that we shall be in a position where all those people who have complaints can come forward. Otherwise it is going to be very difficult. Perhaps I may also mention that it will be, as was stated by the hon. Member for Nyeri, that the case that we should not insist too much, in this tribunal, on legalistic procedures. A tenant who is aggrieved, Sir, ought to be able to come forward and put his case himself, personally. If he has to employ a lawyer, this is going to be too expensive. These lawyers here in town, Mr. Deputy Speaker, you will not get for less than £30 or so for a couple of hours. These African businessmen in the places we have mentioned, they do not profit for the whole year is not that much. How can they employ a lawyer?

So again I really hope that when the rules are made and when they are authorized to be made and published, we shall be able to cut out all these legalistic procedures. There is plenty of business here for lawyers, Sir; we are not trying to do them out of it.

Mr. Deputy Speaker, I want to mention one other thing, that perhaps the time has come— I am sorry, the hon. Member for Mombasa South or wherever it is he is from, who has been chosen as the President of the Indian Congress, is not here, because last week, he was full of statements

[The Assistant Minister for Economic Planning and Development]

for the Press which complained about discrimination or bad treatment of Asians by Africans. Now, Sir, it is a mission that this new President of the Congress could lead, to instil a sense of community into his own people, to instil a sense of belonging to Kenya. And anybody who belongs to Kenya and says that he is a citizen—it is not irrelevant—and is prepared, Mr. Deputy Speaker—

Mr. Omar: On a point of order, Mr. Deputy Speaker, the hon. Member is trying to comment on a statement made by my hon. friend and colleague for Mombasa Island. I am wondering whether this really has anything to do with this Bill.

The Deputy Speaker (Dr. De Souza): I think it's all right, provided he does not go too far. It is a fact that the majority of landlords in Kenya are Asians, and, as such, the Assistant Minister is entitled to comment on the Asian community.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy Speaker, I really do not know what can be eating my hon. friend because, you see, I was only developing my case. I know that certainly in the places I am speaking about in Nairobi 99.9 per cent, if not 100 per cent, of the landlords happen to be Asians and it is to use anyone coming here to quarrel through sophistry and sheer imagination. It is a physical fact, known by everybody who rents a place in Nairobi at this moment. Therefore, I was developing my case, that the time has come, in order to encourage the kind of community feeling which my hon. friend, the President of the Congress, is trying to instil, that we should really try to encourage these landlords not to take advantage of the present shortage of accommodation to exploit these people who are now being exploited.

Mr. Deputy Speaker, I am going to end on one other point. I did, Sir, suggest that the people who are to be appointed to the tribunal should be people who will not try too much legalistic procedure. Perhaps it is not too much to ask the Minister that when he does appoint these people we should have possibly one or two who are people who have, themselves, known the difficulties, the sufferings, of the people we are trying to protect. It is very important that on a tribunal like this, quite apart from opinions as to the legal interpretation of this Act, we should have people who appreciate the human problems that lie behind the application of this Bill. Therefore,

Sir, I very much hope that when people are appointed we may have someone who knows our sufferings and who may, we hope, be able to represent even my hon. friend from Mombasa!

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

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

Mr. Omar: Thank you, Sir, for giving me a chance to speak on this Bill.

First of all, I should like to congratulate the Minister on introducing this very important Bill, because even at this very moment so many people are waiting for it to be passed as soon as possible.

Now, Sir, some of the Members here have said something about the exploitation of African tenants by Asian landlords. Personally, I think that it is not only African tenants who are exploited by Asian landlords; it is equally true that some of the Asian tenants are exploited by their fellow Asian landlords. You find that a Patel landlord charges a Shah tenant a very high rent, just in the same way as he charges an African tenant, but you will also find sometimes that a Muslim Asian landlord charges a non-Muslim tenant a very high rent. Therefore, the question of African tenants being exploited by Asian landlords does not arise at all here. Mr. Speaker, therefore, when we speak of exploitation of tenants by landlords, we should know that this does not apply to the African tenants alone but to all sections of the community who become tenants.

Another point I would like to mention is about the regulations for shops. Here we would like the Minister to make the position clear because we have workshops, we have butcheries, fruit shops, tailors' shops and so on. Under this clause, it is tailors' shops and so on. Under this clause, it is not specifically stated that it will apply to foodstuffs Act will apply, whether it will apply to foodstuffs shops or butcheries or workshops or any other class of shop. So we would like the Minister to make it very clear which class of shop is meant in this Act.

Another point, Mr. Speaker, is about hotels. We have many classes or standards of hotels in all the towns, Mombasa, Nairobi, Nakuru, Kisumu. The African businessman is now embarking on the hotel industry. You find some African hotels have three or more small rooms; these hotels charge just four beds in one room. These hotels, whose standards are very high. So we would like the Minister to tell us how the rent of these low-standard hotels is going to be determined by the tribunal or any authority that will have the power to decide the rent.

[The Assistant Minister for Lands and Settlement] is fixed when a building is new, after it has depreciated and become old, the rent should be reduced. But, Mr. Speaker, I do not fully support this view—although this is a debatable suggestion—because when a landlord invests his money in a building, perhaps for many years he does not earn any profit and for a number of years he only returns what he invested in the building and probably after twenty years or when the building is old, that is when he begins to earn a little profit. I think the landlord, to give the devil his due, should be allowed to make this little profit after many, many years of having invested his money.

Another point I want to make, Mr. Speaker, is on the fact that the Bill does not cover residential premises. Residential premises are very important in a Bill like this, and although one may focus one's attention on purely residential areas or else the municipal or city council housing schemes, there are residential areas which are being used very extensively for commercial purposes. There are buildings in Grogan Road and other streets which belong to some Asians and they are using our African people to exploit others. What is happening, Mr. Speaker, is that a building with about three storeys is being let to an African to sublet to other Africans, and because the Asian landlord makes sure that he cannot go wrong, he—

The Speaker (Mr. Slade): Mr. Gachago, I think that is outside the scope of this Bill, because you are talking, I think, about the use of a building for residential purposes and the Bill here only purports to deal with shops, hotels and catering establishments. We do have to keep within the general scope of a Bill on the Second Reading; but, as I explained at the start of this debate last Thursday, if hon. Members feel that the scope of the Bill should be widened to cover residential premises or some other subject which is outside the present scope altogether, that could be the subject of a Motion, after the Second Reading has been carried, for Special Instruction to the Committee to consider enlarging the scope of the Bill in that way.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I only mentioned that because there is a particular class of business premises which I feel the Minister should have included, and these are residential plots which are being used purely for subletting.

The Speaker (Mr. Slade): Yes, but that is outside the scope of this Bill, and so must be excluded from any debate on the Second Reading.

The Assistant Minister for Lands and Settlement (Mr. Gachago): If I have to skip that, Mr. Speaker, I would like to speak for a while about the protection of those who give evidence to tribunals because this is the gist of the operation of the Act and the operation of the tribunals, that the Minister may appoint.

Mr. Speaker, Sir, when a tribunal is appointed and when they require to be given evidence, naturally the tenants are prepared to give evidence and after the tenants have given evidence, the tribunal may reduce the rent paid in the various shops of a building. Naturally, the landlord after that may not be inclined to like the tenant and tenants who might have given evidence, as a result of which the landlord might have suffered some loss in the rent that he might have been charging before. So I think the Minister should be aware of this and he should ensure that whenever the tenants are called upon to give evidence, such tenants are protected from victimization later on by the landlord.

Mr. Speaker, I now come to the last clause, clause 17, which says that the operation of this Act does not include the local government. I would ask the Minister, Mr. Speaker, to view this with a little bit of care because this may, in the long run, embarrass the Minister or, in another way, embarrass the Government itself. The reason why I say this is that if a set of premises is equal to those owned by a local government and it within the same area there are premises which have rents which are lower than those being charged by a local authority, then the public cannot help but view this with a little dismay, because the local government is a section of the Government which is supposed to protect the people and if it should charge higher rentals than those which are being charged by individual landlords, then that may embarrass not only the Minister but also the Government.

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

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

I would ask the Minister to have consultations with the Minister for Local Government so that cases will not arise whereby local governments may be found to be charging rents higher than those which are being charged by individual landlords, thereby tending to embarrass the Government and the Minister himself.

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

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy

[The Assistant Minister for Economic Planning and Development] good will is there, Mr. Deputy Speaker, when you have a dingy place, along Grogan Road, or Varnia Road or Canal Road, which has only been redecorated a little? There can be no question of goodwill. But this is one of the things that we suffer.

Mr. Deputy Speaker, we support this Bill wholeheartedly, but let me emphasize that what we want is that as soon as we have passed this and we are going to pass it—the hon. Minister should go ahead and apply it stringently. I say stringently because we have suffered for a long time, and I am going to explain to him the kind of troubles we have in town here which, strictly speaking, cannot come as legal issues under this Bill and yet they are the real sufferings of the people.

Let me mention one, Mr. Deputy Speaker: This Bill talks about rents. Rents will be controlled, the tenants will have power to complain, but, Mr. Deputy Speaker, one of the most serious troubles here in town is the question of key money. Before you move into the premises, the person who is in charge of it—in this case, in town here it happens that the bulk of the landlords, particularly in the case of shops, are Asians, and these Asian landlords go around, once they have some place to rent, and they take two or three offers from different aspiring African businessmen. Before they give the business to one of the three or four aspiring African businessmen, they ask for key money. It is nothing to do with rent, just money before you move in at all. If you do not pay, you lose the place. We are reduced to paying because there is a shortage of shop accommodation. There is a shortage because the bulk of our African business people can only afford to hire dingy places, down in Varnia Road or Grogan Road and such places; they are not able to rent more expensive places. They are, therefore, reduced to the position here, because of this shortage, they have to pay this key money. This is not covered by the Bill. Strictly speaking, it is not one of the legal issues on which a tenant could come forward and complain to the tribunal, but what I would hope, Mr. Deputy Speaker, is that the Minister, in making his regulations which he is authorized to make by this Bill, will mention that it will be one of the serious offences for a landlord to ask for key money.

An Hon. Member: What is key money?

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): It is the money you have to pay before you move into the premises at all. I hear one of my friends here say that they call it "goodwill money". Now what

goodwill is there, Mr. Deputy Speaker, when you have a dingy place, along Grogan Road, or Varnia Road or Canal Road, which has only been redecorated a little? There can be no question of goodwill. But this is one of the things that we suffer.

Again, Mr. Deputy Speaker, one of the things we suffer here in town, which, again, strictly speaking, is not a legal issue and cannot be covered by this Bill in terms of law, is this: You covered by this Bill a businessman, he rents an old-looking building to have a hotel. He redecorates it, paints it, moves in furniture and everything else. Then for some flimsy reason, he is requested to vacate, even though the building is in a condition in which it can be rented. He is asked to move. Mr. Deputy Speaker, he will have spent whatever little capital he had, in putting the building into good condition. It means he has a place where he can open a business or a restaurant or something. When it is in perfect condition, the landlord—in this case, they are all Asian landlords, let us face it—finds some excuse to move this man out.

I would ask the hon. Member for Ndia to stop talking to the Minister so that the Minister can hear the troubles of the Nairobi people!

Now, Sir, in this Bill I notice that one of the conditions on which a landlord may ask a tenant to move out is that landlord wants himself to occupy the place. Now you will know, Mr. Deputy Speaker, that in Nairobi this is the commonest excuse and we all know that it is never true. The landlord pretends that he wants to take over the place himself and that he does not want to rent it to another tenant, but you will find that within a week of your being pushed into the place has been rented again, the place which you yourself decorated and brought into good condition; this place has been rented for good money to another tenant. There can be no more serious form of exploitation, I hope, therefore, Sir, that when the Minister makes the regulations, he will see to it that this clause 7 (e) is applied strictly. I know they do mention this way here, but, as things are now, it is the commonest excuse for getting rid of Africans who have improved the building; then before they can make any money, they are kicked out with this excuse.

There is something else, Mr. Deputy Speaker. I notice in the Bill—and I welcome this proposition—that the landlord will be required to keep rent-books, that the landlord will be required to keep rent-books. Now, Sir, you will remember that in the report of the commission that looked into the whole of this question they gave a specimen form in which the rent-book is to be kept. In

[The Assistant Minister for Lands and Settlement] is fixed when a building is new, after it has depreciated and become old, the rent should be reduced. But, Mr. Speaker, I do not fully support this view—although this is a debatable suggestion—because when a landlord invests his money in a building, perhaps for many years he does not earn any profit and for a number of years he only returns what he invested in the building and probably after twenty years or when the building is old, that is when he begins to earn a little profit. I think the landlord, to give the devil his due, should be allowed to make this little profit after many, many years of having invested his money.

Another point I want to make, Mr. Speaker, is on the fact that the Bill does not cover residential premises. Residential premises are very important in a Bill like this, and although one may focus one's attention on purely residential areas or else the municipal or city council housing schemes, there are residential areas which are being used very extensively for commercial purposes. There are buildings in Grogan Road and other streets which belong to some Asians and they are using our African people to exploit them. What is happening, Mr. Speaker, is that a building with about three storeys is being let to an African to sublet to other Africans, and because the Asian landlord makes sure that he cannot go wrong, he—

The Speaker (Mr. Slade): Mr. Gachago, I think that is outside the scope of this Bill, because you are talking, I think, about the use of a building for residential purposes and the use of a building purports to deal with shops, hotels and catering establishments. We do have to keep within the general scope of a Bill on the Second Reading; but, as I explained at the start of this debate last Thursday, if hon. Members feel that the scope of the Bill should be widened to cover residential premises or some other subject which is outside the present scope altogether, that could be the subject of a Motion, after the Second Reading has been carried, for Special Instruction to the Committee to consider enlarging the scope of the Bill in that way.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I only mentioned that because there is a particular class of business premises which I feel the Minister should have included, and these are residential plots which are being used purely for subletting.

The Speaker (Mr. Slade): Yes, but that is outside the scope of this Bill, and so must be excluded from any debate on the Second Reading.

The Assistant Minister for Lands and Settlement (Mr. Gachago): If I have to skip that, Mr. Speaker, I would like to speak for a while about the protection of those who give evidence to tribunals because this is the gist of the operation of the Act and the operation of the tribunal, that the Minister may appoint.

Mr. Speaker, Sir, when a tribunal is appointed and when they require to be given evidence, naturally the tenants are prepared to give evidence and after the tenants have given evidence, the tribunal may reduce the rent paid in the various shops of a building. Naturally, the landlord after that may not be inclined to like the tenant or tenants who might have given evidence, as a result of which the landlord might have suffered some loss in the rent that he might have been charging before. So I think the Minister should be aware of this and he should ensure that whenever the tenants are called upon to give evidence, such tenants are protected from victimization later on by the landlord.

Mr. Speaker, I now come to the last clause, clause 17, which says that the operation of this Act does not include the local government. I would ask the Minister, Mr. Speaker, to view this with a little bit of care because this may, in the long run, embarrass the Minister or, in another way, embarrass the Government itself. The reason why I say this is that if a set of premises is equal to those owned by a local government and it within the same area there are premises which have rents which are lower than those being charged by a local authority, then the public cannot help but view this with a little dismay, because the local government is a section of the Government which is supposed to protect the people and if it should charge higher rentals than those which are being charged by individual landlords, then that may embarrass not only the Minister but also the Government.

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

(The Deputy Speaker (Dr. De Souza) took the Chair)

I would ask the Minister to have consultations with the Minister for Local Government so that cases will not arise whereby local governments may be found to be charging rents higher than those which are being charged by individual landlords, thereby tending to embarrass the Government and the Minister himself.

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

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy

[The Assistant Minister for Economic Planning and Development] I only want to say a few words on this Bill, primarily because this Bill affects all of us here in town very much.

Mr. Deputy Speaker, we support this Bill wholeheartedly, but let me emphasize that what we want is that as soon as we have passed this—and we are going to pass it—the hon. Minister should go ahead and apply it stringently. I say so because we have suffered for a long time, and I am going to explain to him the kind of troubles we have in town here which, strictly speaking, cannot come as legal issues under this Bill and yet they are the real sufferings of the people.

Let me mention one, Mr. Deputy Speaker. This Bill talks about rents. Rents will be controlled, the tenants will have power to complain, Mr. Deputy Speaker, one of the most serious troubles here in town is the question of key money. Before you move into the premises, the person who is in charge of it—in this case, in terms here it happens that the bulk of the landlords, particularly in the case of shops, are Asians, and these Asian landlords go around, once they have some place to rent, and they know there is a high demand for these places, and they take two or three offers from different aspiring African businessmen. Before they give the business to one of the three or four aspiring African businessmen, they ask for key money. It is nothing to do with rent, just money before you move in all if you do not pay, you lose the place. We are reduced to paying because there is a shortage of shop accommodation. There is a shortage because the bulk of our African business people can only afford to hire dingy places down in Varma Road or Grogan Road and such places; they are not able to rent more expensive places. They are, therefore, reduced to the position they were, because of this shortage, they have to pay this key money. This is not covered by the Bill. Strictly speaking, it is not one of the legal issues on which a tenant could come forward and complain to the tribunal, but what I would hope, Mr. Deputy Speaker, is that the Minister, in making his regulations which he is authorized to make by this Bill, will mention that it will be one of the serious offences for a landlord to ask for key money.

An Hon. Member: What is key money?

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): It is the money you have to pay before you move into the premises at all. I hear one of my friends here say that they call it "goodwill money". Now what

goodwill is there, Mr. Deputy Speaker, when you have a dingy place along Grogan Road, or Varma Road or Casual Road, which has only been redecored a little? There can be no question of goodwill. But this is one of the things that we suffer.

Again, Mr. Deputy Speaker, one of the things we suffer here in town, which again, strictly speaking, is not a legal issue and cannot be covered by this Bill in terms of law, is this. You have an African businessman, he rents an old-looking building to have a hotel. He redecorates it, paints it, moves in furniture and everything else. Then for some reason, he is requested to vacate, even though the building is in a position in which it can be rented. He is asked to move. Mr. Deputy Speaker, he will have spent whatever little capital he had, in putting this building into good condition. It means he has a place where he can open a butchery or a restaurant or something. When it is in perfect condition, the landlord—in this case, they are all Asian landlords, let us just face it—finds some excuse to move this man out.

I would ask the hon. Member for Ndia to stop talking to the Minister so that the Minister can hear the troubles of the Nairobi people!

Now, Sir, in this Bill I notice that one of the conditions on which a landlord may ask a tenant to move out is that landlord wants himself to occupy the place. Now you will know, Mr. Deputy Speaker, that in Nairobi this is the commonest excuse and we all know that it is never honest excuse and that he wants to take over the place himself and that he does not want to rent it to another tenant, but you will find that within a week of your being pushed out the place has been rented again, the place which you yourself decorated and brought into good condition; this place has been rented for higher money to another tenant. There can be no more serious form of exploitation. I hope, therefore, Sir, that when the Minister makes the regulations, he will see to it that this clause 7 (g) is applied strictly. I know they do mention this way here, but, as things are now, it is the commonest excuse for getting rid of Africans who have improved the building; then before they can make any money, they are kicked out with this excuse.

There is something else, Mr. Deputy Speaker. I notice in the Bill—and I welcome this proposition—that the landlords will be required to keep rent-books. Now, Sir, you will remember that in the report of this commission that looked into the whole of this question they gave a specimen form in which the rent-book is to be kept. In

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said I would suggest to the Minister that there should have been another clause to suggest how the rent should be controlled. There should be a clause to guide tenants at various stages, either on district levels or on a national level, that a rent in a particular area would be so much or would be of such percentage, or it could be worked out on a particular guide so that we do not have charges which are too much for the new people who want to rent premises.

On grounds to refuse to pay rent or on clause 7, part "B" where it says that the rent should not be in arrears for two months, in which case the tenant would be asked to vacate. It seems to me that it does not explain the reasons, because you might find that the tenant fails to pay his rent because he has been asking the landlord, to make certain repairs and, in this case, it would be better if the tenant was given some security of a kind whereby he is not just forced out, because it is not his failure, but because he has a case to explain to the landlord. Most of the landlords actually tend to exploit and they do not hasten to comply with the complaints raised by the tenants. So, in this case, it would be better if there is an explanation whereby a tenant is also safeguarded and he is not evicted even if he has got the reasons of holding his rent behind without paying it straight away.

To go to what my hon. friend has just said about paying in advance, it looks rather ridiculous to ask somebody to pay rent for the premises before he has earned anything in that particular premises. If it was a policy of payment in advance, it would involve many other sections of the Government whereby the law should require even salaries to be paid in advance or other things should be paid in advance before you actually get them, so in this case it looks to be rather exploiting those people we are trying to protect and it would be better if the payment by the occupant or tenant be after he has actually started his business and the business is going on well and he pays his dues at the end of the month. But, when he has to pay in advance and probably has just started a small business then you find that they are only reducing his capital before he has earned anything to promote his business.

The point I would like to mention about clause 17, in which the Minister says the Government and local authority premises may not be included in this particular Bill. Well, I think it would be proper to suggest to the Minister that if the Government wants to keep aloof from this Bill,

then it would be better for the Government or the local authorities not to own these premises in towns or in urban areas, so that this particular matter does not arise to affect the Government, but it would be ridiculous to have these premises owned by local authorities in various towns or various areas and the Bill does not affect them, and in this case we shall not know exactly whether the tenants are exploited by the Government or whether it is the local authorities.

There is also a point in the memorandum which I would like the Minister to clarify, where it says that the Bill is imposed to control the rents of business premises and the Bill actually does not go very far as to how these controls are going to be conducted, so I suggest that if we add the suggestion of local or district boards to review these rents then we could know exactly that the rents are under control, but if we just agree that there will be a tribunal court where a magistrate will come and decide our cases, which are brought before the tribunal court, then it might be better that these boards go into the matter first, who should suggest and give views to control the fixture of the actual rent which should be imposed on particular premises. Members who have aired their views here have explained that the continuation of renting old premises on the old or original rent where the rent was comparatively high and the premises continue to be rented at that same rent even when it has covered the actual cost to put up the same building. If we continue to have that without any control, it will look like the landlord keeps on making money on the particular premises rather in an exploitive manner, so we would rather suggest that all premises should be reviewed so that their rent will also be depreciated according to the depreciation of the building in the subsequent years. If we just left it like that we feel it would be unjust to the tenants who come to rent these particular premises. If we do not have anything to safeguard these people the landlord will continue to charge the same rent at the day he started when the premises were very new.

I would also suggest that the Minister should have included a clause whereby if the tenant exceeds five years, what happens to a tenancy of five years. This Bill is actually considering a tenancy of five years. What about after five years? Sometimes the landlord and the tenant might agree to keep their tenancy for longer than five years. How do they do it? In this case the Minister should also give a way how these tenancies are reviewed after five years and in that case we would know that tenancies give security to the two people concerned, the landlord and the

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tenant, because if they have not any agreement then it does not end simply because the Bill does not allow it to exceed five years, so if the Minister gives an explanation we will know that there is a way through which these tenants can renew and then we could know that the Bill is meeting the continuation of these tenancies.

Mr. Speaker, I hope that the Minister has noted the points and he will explain. Thank you.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Thank you, Mr. Speaker. Sir, I cannot help but express gratitude sincerely that the Minister saw fit at this time to introduce this Bill and to bring it so that we may see the situation which has been harassing our people now for some time because rents have not been controlled for the last nine years and as a result many people, especially our own African people have suffered. But, Mr. Speaker, while congratulating the Minister, I would like to point out that it is not the introduction of this Bill that is important, or it is not the legislation what is more important than the actual legislation, than the actual passing of the Bill is the operation of it when it becomes law, because in a matter like this you will find a number of loopholes where the landlords could evade the application of this law and I would like to appeal to the Minister to take into very serious consideration the points that have been aired by the hon. Members of this House that may have not been possible to be included in great detail in this Bill.

Mr. Speaker, let me go straight to one of the clauses, because it is in this reference to various clauses that we would like to advise the Minister as to how the law should be operated, so that it can be useful to the country.

With reference to clause 16, Mr. Speaker, where the Minister has to prescribe fees, clause 16 (4) says, "the fees which shall be payable in respect of any matter or thing to be done under this Act", and I think the Minister should go into this with very great care because in respect of fees all the businesses are not equal. A person may appeal to the Minister for rent to be controlled in his shop and the rent of that shop may be only worth about Sh. 200. Another tenant, whose rent is about Sh. 2,000 may appeal to the Minister and if the Minister prescribes a fixed fee for every case that is handled by the tribunal, the person who has only a small shop will suffer because his margin of profit is also small. What I would appeal to the Minister to do is to prescribe a fee on the basis of percentage, so that those who

pay higher rents—in other words, those who have larger businesses—may be in accordance with the proportion and size of their businesses.

Mr. Speaker, Sir, concerning clause 1, which gives the Minister the power to define by notice in the Gazette the place and the time of operation of this Act, I would like very strongly to refer this to the Minister because I know that members of the public, business men—especially African businessmen who are still in their infancy—are very anxious that the Minister should define the various places, and I would like to invite the Minister to pay particular attention to the town of Thika where I happen to know that a great deal of exploitation is going on and the people who are mainly suffering are our people, the African people. I have seen, Mr. Speaker, with my own eyes many, many Africans who have opened shops in the town of Thika and who are the tenants of some Asian landlords, and they have only been able to carry on for at the most one year and then they go through the back door. This is because of the high rents that they have to pay and, as a result of that, Mr. Speaker, the African businessmen in Thika have even started an organization known as the Tenants' Association which has now spread to the whole country and has become a national organization. This is because of the concentration of operation and exploitation by landlords in this particular town of Thika and whereas, in fact, the town is situated in a place where the African tenants are not very big businessmen, they are only people who are trying to grow. Therefore, Mr. Speaker, I would like to invite the Minister to pay particular attention to the town of Thika and, in fact, to appoint Thika as an area where this Act will operate immediately after we have sanctioned it in this Parliament.

Mr. Speaker, Sir, the other clause which is worrying me is clause 11, Establishment of Tribunals, where the Minister himself has to appoint a person or persons to act as tribunals. Mr. Speaker, Sir, the tribunals may be appointed in the best interest of the tenants or in the best interest of the landlord, and I would urge the Minister to exercise great care, so that the tribunal be appointed may be completely and fully impartial, not one-sided, so that when the tenants—especially the poor African tenants—are expecting to benefit from this law, they will not be disappointed by probably the Minister having appointed a landlord or landlords on these tribunals with the result that the poor African tenants will not benefit.

Mr. Speaker, on the question of value of the buildings, here I would like to give the devil his due. One speaker was saying that when the rent

[Mr. Warlthil]

We have tenancies subject to documents agreed upon voluntarily between the landlord and tenant, and these documents have been registered, maybe for a limited number of five years or not more than five years.

Now, if this lease is not to be terminated by an act of law, maybe from action by the other side. This is where I say, Mr. Speaker, that it is necessary for this Bill to go even further to provide for a general review of all tenancies which are existing before the coming operation of this Bill. It is only then that the injustices which have been meted to the tenant for a number of years, in my opinion, could be rectified.

Now, to go further, Mr. Speaker, I would like to comment generally on other aspects of the Bill. One thing I will say is that I am quite happy that the need for goodwill has been done away with, as this has been a factor prohibiting a number of African businessmen to occupy premises because they were not able to pay the required amount which was termed as goodwill.

The other point which is still prevalent, and it appears to be covered under the schedule, page 164, it is provided that the lessee shall pay rent for the premises in advance. Now, I assume this means one month's rent, but it does not specifically say for how many months. It is a practice which is still going on, that a landlord will require a tenant to pay up to six months or even one year's rent in advance, and in fact, it was only over the week-end, that a case in my constituency was brought to me, of a tenant who has paid rent for a year. It may be Sh. 50 a month, but even if you ask them to pay that for a year it is quite a substantial amount, and here, under the terms of "tenancy" I would have expected the Minister to be specific, that the rent payable in advance is only for one month, because as I have said, there are existing practices where tenants are asked to pay rent for a number of months, and if they are not able to do so, in many cases, the tenancy is given to another person who is able to pay. To enable ordinary people to occupy these premises for their business, one would expect that they should be only asked for one month's rent in advance.

The other point raised by the last Member who spoke, is the question of alteration of business premises. I can see on page 165, subsection 5, it provides that the renter shall be responsible for all repairs to roofs, main walls, main drains, electrical wiring and so on, and shall be responsible for all necessary renewals to the premises. I believe this covers a situation whereby a person or a tenant may want to rent some premises for

an establishment. It is provided by the local authority or the main authority for that matter, that the premises must be of certain form, if necessary with the need for cementing or adding extra structures for carrying out the extra business. There have been, in the past, a lot of complaints of this kind of situation, whereby a tenant, because he wants to carry on his business, is told by a local authority that unless the premises conform to the standards authorized by the local authority, he cannot get a licence, and usually because you want to rent the premises, he undertakes to pay for the cost of repairs which are usually very expensive. The landlord, because he is not prepared to pay for the repairs, agrees with the tenant that whatever amount it costs to carry out the repairs, these costs will be refunded to the tenant by not paying rent for a couple of months.

So, here when the Minister replies, I would like to know whether the situation is covered under subsection 5 of the schedule, that is, if a local authority insists that premises must be in a certain form, and that certain structures must be added, these must be carried out by the landlord and not by the tenant, and this would help considerably to reduce the complaints and disputes which arise subsequently between the landlord and the tenant.

There is also a situation whereby a landlord, as the hon. Mr. Karuki said, does not enter into an agreement. He gives his premises to a relative and the relatives have let it to another sub-tenant, and the situation is that in such cases, usually, the tenant pays more than he should pay for the premises. I would request the Minister to make sure that he has a system whereby the inspectors who are to be appointed by the tribunal will be able to find out exactly whether the tenancy is created between the landlord and the tenant or it is between the tenant and a sub-tenant. There are many cases in Nairobi, of which some of us know, where you find a premises rented by about Sh. 1,000 and by the tenant who is carrying on a business, and this Sh. 1,000 does not all go to the landlord, the owner of the premises. The owner of the premises may get about Sh. 700, and the remaining Sh. 300 goes to the sub-tenant, and this is a case where the Minister could make use of his powers under section 16, to instruct these inspectors to make sure that the tenancy is created between the right persons, and not between an intermediary who keeps part of the rent for his own purpose.

Mr. Speaker, these are the only points I have, and in conclusion I would just like to point out that what has been said by some Members, that this Bill has taken a long time to come, should be

[Mr. Warlthil]

made retrospective up to the date when the commission or the working committee was set up.

With these few words, Mr. Speaker, I beg to support.

Mr. Jamal: Mr. Speaker, Sir, I rise to make a few observations on this Bill, and before I do so I would like to congratulate the Minister for Commerce and Industry for bringing this Bill before this House. As a matter of fact, the need for such a Bill has been felt for a very long time.

Coming to the Bill, I am not very happy about the definition of the word "shop". I do not see any reason why shops, occupied mainly for the purpose of trade and business—

QUORUM

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, do we have a quorum?

The Speaker (Mr. Slade): No, we do not. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum. You may carry on, Mr. Jamal.

Mr. Jamal: Mr. Speaker, as I said, the definition of "shop" is very inadequate. Why should this protection be given to those people who are carrying on retail businesses or business. We might come across cases where people are running advertising agencies, or travel agencies, or even the business of commission agencies, and these are the people to whom the location of the premises makes a lot of difference. As a matter of fact, when this Bill was being drafted the feeling in the country was that the Bill was going to protect all the people regardless of the type of business that they are running, and I would have, therefore, thought that the definition of the word "shop" should be made more broad.

Mr. Speaker, Sir, there is one omission also in the Bill. It is in cases where the landlord prefers not to rent his shop. He might like to discriminate against the type of tenant that he wants, and he may keep it vacant for six months or twelve months, until such time that he gets a tenant of his own choice. I thought that it might be a good idea if some sort of compulsion was brought on the landlord that if it is his intention to rent the shop then it must be rented within a certain period. A shop must not be allowed to stay vacant for more than a certain period of time.

Mr. Speaker, the question of a tribunal also raises some points.

Some years ago, we had the Rent Control Bill and certain measures were laid down, the basis on which the rent would be charged. For instance, a landlord was allowed about 10 to 12 per cent of his capital outlay. Now, no such provision has been made here. On the other hand, very wide powers have been given to the tribunal, and while I do not dispute these powers what I do not like is that if the parties are not satisfied they can go to the Court of Law, and then to the Appeal Court. Now, this becomes very expensive, and if certain measures are laid down that the rent is going to be charged on such and such a basis, then very few cases will go to the Court of Law, and to the Court of Appeal. I still feel that rather than cases going from the tribunal to the court, a committee should have powers to decide such cases.

Mr. Speaker, I also do not like the question of the payment of rent in advance. Why should a person pay anything without getting the services? If the buildings are built, the landlords have to take the calculated risk in any case. After all, we do not go and open a shop and start finding the money immediately until such time as we have sold our goods. It is an established practice in the trade that people have to pay the rent after a month, and therefore, I would like this clause to be altered.

Mr. Speaker, Sir, under clause 16, it states that a Minister may make regulations for the better running out of the provisions of this Act, and here some guidance may be given to the tribunal, but I thought that since the Bill had taken such a long time some sort of guidance should have been given to the tribunal from the very outset.

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

Mr. Omeri: Mr. Speaker, Sir, much has been said about this Bill, and I would like to make a few observations about the Bill. I may not go very far about the points that have been raised, but the quarrel with this particular Bill, as the previous speaker has just said, starts with that definition or interpretation of the word "shop". It goes further and says that "shop" would mean premises whereby a retail trade or business is conducted. It does not give provisions of where a wholesale business is carried out. It is included and is protected. To leave it as such, I would just support the previous speaker by saying that the definition should include other services which this Bill intends to give.

Previous speakers have also mentioned charges, and instead of repeating what they have

[Mr. J. M. Kaririki]

people to rent their own premises, that they employ sub-landlords, Mr. Deputy Speaker, and they tell them to go and rent the premises to other people, and you find, Mr. Deputy Speaker, that if the landlord tells them to go and rent the premises at Sh. 500 they rent it for Sh. 750. However, this is because they would like to get the commission, and also get something else on top of that. This, I think, is something else which the Ministry should try to check, because we can put our people in a very, very bad situation, in allowing such situations to continue among our own people. Now, Mr. Deputy Speaker, Sir, this is another thing which we would like the Ministry to do.

Mr. Deputy Speaker, Sir, the point of tribal rent, however much I may agree with the Minister himself, and I do not want to quit because I have read the Bill itself, but I feel that even some people will not be able to apply to the tribunal, and this is merely because I feel that most of the tenants would fear to take their landlords to the tribunal because there is always this fear that if I take this landlord to the tribunal he may have a word sent to the other landlords, and you are left without any place to go. This is the fear. This is the same with insurance. When you cause a lot of accidents on the road, Mr. Deputy Speaker, and you keep on claiming from the insurance, then the word gets round and therefore they will not do any work with you or insure your car. This in actual fact does happen, and I hope that most of the Members in this House have been faced with such problems. So, Mr. Deputy Speaker, Sir, I feel that this is the same case here. Most of the poor Africans will find it difficult to apply to the tribunal, because they fear that if they do so they would not be able to find somewhere to live.

The Assistant Minister for Lands and Settlement (Mr. Gachoga): Mr. Deputy Speaker, Sir, on a point of order, is it in order for the hon. Member to impute that the Ministers and Assistant Ministers do support the landlords?

The Deputy Speaker (Dr. De Souza): He is not imputing it, I think.

Mr. J. M. Kaririki: No, Mr. Deputy Speaker, Sir, I do not think he understood, you understood me fully. He could not understand me, Mr. Deputy Speaker, Sir, because he was laughing.

Now, Mr. Deputy Speaker, Sir, what you would like to say and continue to say, is that we must try to find ways and means whereby we can at least try and assist our people and have the plans to encourage most of the businessmen.

The other important point, Mr. Deputy Speaker, Sir, which I would like to mention is that there are at the moment, and I have learned this in Nairobi, there are what are known as sub-landlords. Now these sub-landlords are more numerous and are even worse than the landlords themselves. If some Africans are being used by the landlord, who feels too tired, to go and ask

people to rent their own premises, that they employ sub-landlords, Mr. Deputy Speaker, and they tell them to go and rent the premises to other people, and you find, Mr. Deputy Speaker, that if the landlord tells them to go and rent the premises at Sh. 500 they rent it for Sh. 750. However, this is because they would like to get the commission, and also get something else on top of that. This, I think, is something else which the Ministry should try to check, because we can put our people in a very, very bad situation, in allowing such situations to continue among our own people. Now, Mr. Deputy Speaker, Sir, this is another thing which we would like the Ministry to do.

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

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

This is going to be more difficult, so there has to be a method whereby this can be done without injuring anyone. That is why I suggest that if the Ministry cared to put a specification in every area, then they will not be charged so much, and the area will have a reference from the Government, and that it can be checked from time to time, and that will remove any exploitation from our people, so now we will be able to know that when they go to any particular area then they will be able to rent such a place at such an amount of money. This is what I would like the Ministry to consider.

[Mr. J. M. Kaririki]

Now, Mr. Deputy Speaker, Sir, I do not want the Minister to think that I am trying to oppose this Bill, I am not, in fact, I would like to congratulate him very much on bringing this Bill to the House, but I am putting to him what our people have been subjected to in this Bill, the position of the landlord and sub-landlords, whom I have just mentioned.

Mr. Deputy Speaker, Sir, if we look at clause 17 of the Bill, I would like to say that personally, I feel that the legislation should also apply to Government and a local authority. The Assistant Minister is asking why not, well I think it is because the public would feel that the Government is imposing a law while realizing that that law might be unfair to the Government, in which case the law should be considered as a concern to the public at large, therefore I do not feel that that clause was necessary at all. You are putting a lot of suspicions on it. Why is it applicable to the other places and not to the Government or local authority premises. It should also be emphasized that this law applies to everyone, but the only thing is that if you want to you can always explain that this is Government residential premises but it should not have to be explained in the Bill that this does not apply to Government or to the local authority, because we are putting a lot of suspicion in the mind of the public that the Government is putting the law, while realizing that the law itself is quite unfair to the Government itself. That is why I feel that it was quite unnecessary to put that clause; let it remain as it was so as not to have any unnecessary questioning by the public.

Mr. Speaker, Sir, the Bill should state clearly that, where a certain suspicion is true and beyond doubt in past years that this has been going on, but it should not at least try to evade the point that the Government should not be put into this legislation or the local authorities. I also feel that all previous lease agreements should be considered as well, and should be considered null and void unless there is no dispute between the two parties concerned because I do not see the reason why it should be subject to revision where disputes do not exist, but if there have been some disputes then in most cases I think it would be quite fair for them to be referred to a tribunal.

Mr. Speaker, Sir, I think now that I have explained to the Minister what my objection has been in this Bill, but as a whole I think it is a very important Bill and I support it, but I hope

that the Minister will take this very seriously, and try to rectify it.

With these few words, Mr. Speaker, Sir, I beg to support.

Mr. Waribiki: Mr. Speaker, Sir, I rise to congratulate the Minister for having brought this Bill and I think it is very appropriate, for a Bill of this nature to be brought to the House, which is meant, as I understand it, to help the tenants, mostly Africans, who have been exploited for a long time.

Looking at the Memorandum of Objects and Reasons, the second line reads that:—

"the desirability of reintroducing legislation to impose control over the rents of business premises and to recommend the form of such legislation".

This, in my understanding, Mr. Speaker, Sir, suggests that the Government believed and accepted the view that the rents were accepted, they were not controlled, and there was a need to introduce a legislation which would control the amount to be paid on business premises and this Bill, which is entitled "Landlord and Tenants (Shops, Hotels and Catering Establishments) Bill" has been prepared.

My main complaint about this Bill is that it has not gone far enough.

Looking at section 3 of the Bill, it defines a tenancy.

Now, I would have expected that the Government would go further in order to help the people who have been paying excessive rent, to rectify the situation from the beginning. I would have expected the Government to declare all tenancies or leases null and void so that new tenancies be created, or premises be covered by this Bill, which will take into account the points which have been raised in this Bill. If we accept that the rents have been too high in the past, why should it be up to the tenants themselves, to make an application to a tribunal so that the rent payable can be varied? What happens to those people where a tenant, although he may not be happy with the rent he is paying, may not be in a position to make this application. I would suggest, Sir, that the Minister still has some powers under section 16 of the Bill, where he is given the powers to make rules and regulations given the powers to make rules and regulations for carrying out the provisions of this Bill. But, it does not go far enough as to compel any existing parties, maybe a landlord or a tenant, to go to a tribunal. There are, of course, some difficulties, and I do not know exactly how the Minister is intending to avoid these difficulties.

[The Assistant Minister, President's Office]
town, I would rather like to see the Minister extending the Bill to cover residential houses.

Mr. Deputy Speaker, I hope the hon. Minister will not feel bored if I say that, for instance, his definition of the tenancy, which is explained on page 153 of the Bill— He says, "tenancy" means a tenancy for a period not exceeding five years created by a lease or underlease, by an agreement for or assignment of a lease or underlease. . . . This, Mr. Deputy Speaker, means that anybody who occupies a shop or business premises over five years will not get the protection of the Bill. That is the definition the Bill has given to this; in any case, that is the way I look at it.

Another thing, Mr. Deputy Speaker, which requires some explanation from the Minister is the reference to the tenant to the tribunal. I would rather like to point out that it would be advantageous, if this Bill is to serve the purpose it is intended for, for the procedure in the tribunal, which is supposed to be created under this Bill, to be made an administrative tribunal rather than a judicial one. The reason why I suggest that it should be administrative rather than judicial is that if you have a judicial tribunal, a lot of these tenants who would apply to the court would be hampered by the technical, legal procedure if the court or the tribunal were judicial. But if it were administrative, then, of course, most of the tenants who, we hope, will be Africans will, in the first instance, not be burdened with heavy costs, which we normally know go along with applications in judicial tribunals, and the applications cannot be dismissed because of procedure or lack of form.

I can see that the Minister has wide powers under this Bill and if it becomes an Act he will be able to prescribe the rules under which the applicants would be able to petition the tribunal.

Mr. Deputy Speaker, clause 7, subsection (b) should be worded a little more generously. Clause 7 gives the grounds on which landlords may seek to terminate the tenancy and one of these is prescribed under clause 7, subclause (b), which reads, "that the tenant has defaulted in paying rent for a period of two months after such rent has become due or payable or has persistently delayed in paying rent which has become due or payable." Mr. Deputy Speaker, I am rather worried about that clause because some unscrupulous landlords or landladies will seize on this and for obvious reasons will evict their tenants. It may be a tenant has gone away on a business trip and he has been away for

two months, he has not paid his rent, and consequently if the landlord wants to terminate the tenancy, he can easily do so. I would rather have liked to see a few words included in that particular clause, that the tenant has defaulted without cause or reason, or perhaps throw the burden on the tenant to show that he had actually defaulted because of some other reasons.

Mr. Deputy Speaker, clause 7 mentions about eight grounds on which the tenancy could be terminated, but the Minister would agree with me that in most of these cases, these reasons which they are justified, need to be properly drafted. If the Minister would like to amend some of these rather delicate clauses, I would offer my services.

Apart from that, Mr. Deputy Speaker, all I would like to ask the Minister to consider is, as I have said, to include residential premises, to make the tribunal an administrative tribunal, and the grounds on which the tenancy could be terminated to be worded more generously so that we do not have tenants being evicted without cause or reason.

Mr. J. M. Karuki: Mr. Deputy Speaker, I do not have any quarrel with this Bill, but although it may be that the Minister explained to the House during my absence, I do not see any reason why the Bill should not be entitled the Landlord and Tenant Bill, 1965, and should apply to all tenable premises, instead of explaining here that this includes only shops, hotels and catering establishments. This is because when we categorize, we definitely and automatically omit the residential areas and I fear that we should not categorize the premises to which it should apply. This move, Mr. Deputy Speaker, would eliminate the duplication of operation, as there is a different legislation dealing with dwelling premises, as far as I know, the Rent Restriction Ordinance revised in 1962, Cap. 296, should be revoked at the same time. In that chapter, Mr. Deputy Speaker, and I understand that this expired on 31st December 1962, means that the residential tenants are now subject to the worst kind of exploitation which the poor people have experienced.

This move would also mean less expenses, which would be doubled or tripled if there were to be established in this country two different types of legislation dealing with one subject: namely, rents.

Mr. Deputy Speaker, in this Bill, if one looks at clause 1, I do not think it should be left entirely to the discretion of the Minister to exempt any area from the operation of the Bill.

[Mr. J. M. Karuki]
This would encourage in future, in the case of a bad Minister, what is known as cordons. I do not want to say that our present Minister is in that class at all, but it is my feeling that this should not be left entirely at his own discretion. Moreover, this might mean that the Bill shall become ineffective since the Minister may do whatever he likes or exempt whoever he likes. Anyway, that is not my main quarrel.

The quarrel here, Mr. Deputy Speaker, is that in the past most of the people renting premises in an Indian or Asian shop have been subjected to quite a lot of expenses. You take, for example, a building set up in 1921 being rented today for more than ten times the amount that the owner of that house or shop spent to build the premises. That is more serious and that is why I feel that it is very important that there should be, apart from having only a tribunal, a committee set up by the Ministry to find out the old premises because there are some old premises which do not deserve the rent which is being imposed on the Africans by the landlords at the present time. Here, Mr. Deputy Speaker, what I intend to say is that you find that a certain organization or a society want to establish a hotel in Nairobi, and that in itself shows that they would like to have a reasonable rent on premises which are not modern, but because the area where they would like to establish their business is in the middle of the city and the other houses around that particular premises are of a modern type, the same Asian will at the same time rent his own premises, which are very old, at the same rent being charged by the other landlord in that particular vicinity. Here, Mr. Deputy Speaker, what I would like to ask the Minister to do is to set up a committee to go into the details and find out which areas should be charged what. Let the Ministry have checking cards to be able to tell a landlord "in this particular area you should not charge more than this; we feel that in this area, the rents should be so much". Now, this is up to the Minister concerned to check whether in that particular area there are landlords who are charging more than what is stated by the Government. Mr. Deputy Speaker, you must have heard of so many Africans who have rented premises in Nairobi, and establishing a hotel, do pay quite a lot of money to the landlord. This is because there has never been legislation in the past to take care of their own interests. If a shop or hotel is charged, by the landlord, about £300 per month then one will find that the Africans who are poor and even the poor Asians, are subjected to paying a very, very high rent, which

may not be discovered until the end of the month, when they deduct the amount of money they have to pay to their own workers in the hotels, and then they deduct whatever income they have, and go, at the end of the month, to the landlord and give him the £300. This man has been living a very quiet life, staying in his own room, reading the newspaper, listening to the radio and he has not been working at all, and you find this situation throughout the month. He has been trying to raise £300 to give to the landlord.

It goes further, Mr. Deputy Speaker. Sir, where most of the Africans are shoemakers. They also rent premises at about Sh. 300 to Sh. 500 per month. They work that whole month, sometimes stitching in their fingers to try and raise this money to pay for their rent. What the most important thing is that he wants to get Sh. 500 so that he can pay the landlord, who will in the end allow him to continue after paying the money to remain on the premises. Most of them go as far as borrowing money if they cannot obtain enough money to pay their rent at the end of the month. They go around borrowing money from other people so that they can pay money from the landlord. This is what we would like the Ministry to consider, that a reasonable amount of money should be charged, so that most of the Africans would be able to understand that whenever they go to Government Road, for example, there they would know that the Government has agreed on Sh. 3,000, and then they can choose which area they can go to. These are most important and moreover, Mr. Deputy Speaker, Sir, what should be taken into consideration is the length of time, the period, this man has been occupying those particular premises, because occupying those premises in Nairobi, and in particular are some people I know, and if I may be a little more specific, there is a shop, an hotel, bar and restaurant, and this African has been paying now for fifteen years, Sh. 5,000 per month. Now, Mr. Deputy Speaker, Sir, if you multiply this Sh. 5,000 per month, then it amounts to Sh. 60,000 per year, and then multiply this amount by fifteen years, this is what you have, Sh. 900,000. This particular landlord did not have any of his money, and this is also what I mean by that. I do hope that should take into consideration. It is the Minister is listening to me, because this is very serious. Now, Mr. Deputy Speaker, Sir, I am practically opposed to this attitude, because an practically opposed to this attitude, because if a building is in a bad or poor condition, and if a building is in a bad or poor condition, and if a building continues to carry on charging in the same way as he did, and increasing the rent year by year, instead of charging the same amount as he was five or ten years ago, that is

Clause 12

Mr. Bala: Mr. Chairman, Sir, I would like to have more explanation on clause 12.

The Attorney-General (Mr. Njonjo): (Inaudible) is that the register of voters which was in force on the 12th December, last year shall continue in force.

(Clause 12 agreed to)
(Clauses 13, 14, 15 and 16 agreed to)
(Clauses 17, 18, 19 and 20 agreed to)
(Clause 21 agreed to)
(First Schedule agreed to)
(Second Schedule agreed to)
(Third Schedule agreed to)
(Fourth Schedule agreed to)
(Title agreed to)
(Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of The Constitution of Kenya (Amendment) Bill, 1965, and its approval thereof without amendment.

(Question proposed)
(Question put and agreed to)
(The House resumed)

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

Report and Third Reading

THE CONSTITUTION OF KENYA
(AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Constitution of Kenya (Amendment) Bill and approved the same without amendment.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Commerce and Industry (Dr. Kiiano) seconded.

(Question proposed)
(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) Bill be now read the Third Time.

The Minister for Commerce and Industry (Dr. Kiiano) seconded.

(Question proposed)

The Speaker (Mr. Slade): As this again requires a special majority we have to proceed to a division.

DIVISION

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, is it in order for hon. Members to come through the wrong way when the doors have been closed?

The Speaker (Mr. Slade): It is entirely out of order, because at the time when the five minutes has expired, all doors should be locked, but as all doors were not locked, hon. Members have taken the opportunity to come in.

I understand that we have ninety-seven Members here now, and in future when we come to a division all doors will be locked and we will stop ringing the Division Bell.

I will now put the question again that the Constitution of Kenya (Amendment) Bill be now read a Third Time.

(Question put and the House divided)
(Question carried by 101 votes to 3)

AYES: Messrs. Abdurahman, Achiro-Onoko, Alexander, Amin, Angaine, Anyieni, Arama, Arwings-Kodhek, Ayodo, Bala, Balala, Barasa, Boromet, Chirchir, Choge, Dr. De Souza, Mstari, Dingira, Ektella, Gachago, Gatuga, Gichuru, Godana, E. D., Godana G., Godia, Ibiria, Jahazi, Jamal, Kaggia, Kali, Kamau, Kamuru, Kariuki, G. G., Kariuki, J. M., Kase, Kerich, Kibagkhalala, Kiamba, Dr. Kiiano, Messrs. Kibaki, Kibuka, Kioko, Kiprotich, Koinsange, Komora, Konchellab, Kubai, Lorema, Maitori-Jumbo, Malinda, Malu, Masinde, Matano, Mate, Mai, Mbat, Mbogoh, Mboya, McKenzie, Moi, Muri, Mutiro, Dr. Mungai, Messrs. Murgor, Muriu, Murumbi, Mutiso, Mwalwa, Mwanjumba, Mwatsama, Mwendwa, Ngala, Ngala-Akoko, Njeru, Njini, Nyagah, Nyamwaya, Ochiara, Odeto-Jowi, Odunga, Ogile, Okelo-Odogoyi, Okwanyo, Ombili, Omar, Okelo-Nyilich, Osoyo, Otiende, Pandya, Rurumbi, Sor, Soro, Taniu, Theuri, Tialal, Tipis, To, Turu, Dr. Waiyaki, Messrs. Wamuthenya, Warithi.

Tellers for the Ayes: Messrs. Okelo-Odogoyi and Khasakhala.

NOES: Messrs. Agat, Khalif and Tuwei.
Tellers for the Noes: Messrs. Boromet and arap Too.

(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 Chairman (Dr. De Souza) took the Chair]

THE AGRICULTURE (AMENDMENT) BILL

(Clause 2 agreed to)
(Title agreed to)
(Clause 1 agreed to)

The Minister for Lands and Settlement (Mr. Angaine): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Agriculture (Amendment) Bill and its approval thereof without amendment.

(Question proposed)
(Question put and agreed to)
(The House resumed)

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

Report and Third Reading

THE AGRICULTURE (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the Whole House to report its consideration of the Agriculture (Amendment) Bill and its approval thereof without amendment.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the Whole House in the said Report.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)
(Question put and agreed to)

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to move that the Agriculture (Amendment) Bill be read a Third Time.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)
(Question put and agreed to)
(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)

Second Reading

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL
(Minister for Commerce and Industry on 22nd April 1965)

(Resumption of debate interrupted on 22nd April 1965)

The Speaker (Mr. Slade): Mr. Ngala was speaking when we broke off this debate. He is not here.

Mr. Nyamwaya.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I wish to thank the Minister for Commerce and Industry for introducing this Bill to the House. As a matter of fact, this Bill is long overdue.

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

However, I do welcome the fact that he has brought it to the House.

It is very regrettable, Mr. Deputy Speaker, that the Minister did not deem it fit to include the residential property or houses in the towns. The reason why he has only considered shops, hotels and catering establishments was explained in his speech when he was moving the Bill before the House, but I would rather like to point out to the Minister that this Bill was introduced for the purpose of protecting the people who have the victims of unscrupulous landlords. We been still have landlords who own residential houses and who can still be unscrupulous and exploit and just as those who own shops, hotels and other business premises. I wonder, Mr. Deputy Speaker, whether the Minister knows the percentage of the African population which occupies the shops, hotels and business premises. As a matter of fact, he will find that his Bill will not, in any event, help the African population, which the Bill is intended to protect, because the tenants in shops, hotels and some catering establishments are, in most cases, Asians. I know, for instance, in Kisumu all the tenants in Kisumu town—the town I represent—are Asian and what this Bill is going to do is to protect the Asian tenants. It will only protect one or two African traders in that place.

Mr. Deputy Speaker, I would ask the Minister to consider very seriously including residential houses in this Bill. Although we all know that there are some Africans as well who are now beginning to own houses or business premises in

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, you have ruled that the statement made by the Minister for Internal Security is not, in fact, a point of order. May I ask you whether, in view of the grave nature of the allegations made, and since these statements are privileged, this House has any power or authority to direct here and now that a full investigation be made and that a report be brought back to this House. Do we have that in our power?

The Speaker (Mr. Slade): As regards the powers of this House, I think the hon. Member knows very well that the only power of this House is to decide on questions which are proposed to it, according to our ordinary rules of procedure. There could not be any direction given by this House; there could be a resolution of the House on a suitable Motion, which usually requires due notice, that such inquiries should be made. This is the way in which things are done. But since the Minister has said that there will be an inquiry, perhaps the House will be satisfied for the moment.

Mr. Bala: The Kikuyu are ruling you!

Mr. Gatuguta: On a point of order, Mr. Speaker, I seek your ruling in this matter. Is it in order for a Member of this House to shout that the Kikuyu are ruling? Is this not, in fact, contempt of the Members of this House are not Kikuyu?

The Speaker (Mr. Slade): No, of course, it is not, but if I were to punish every breach of order each time it occurred, we would soon have a somewhat empty Chamber, I am afraid.

I have warned Mr. Okuto Bala to control himself, and he knows what will happen otherwise.

Mr. Bala: On a point of order, Mr. Speaker, is it right for the hon. Member who referred to me as saying that the Kikuyu were ruling us to ask, if that is in order, when he knows perfectly well that the Kikuyu are trying to rule us by force?

The Speaker (Mr. Slade): Mr. Okuto Bala, I do not think that is a proper point of order. I would advise you to keep very quiet for a little time now, or you will be sent out of the Chamber.

Mr. Ochwada: On a point of order, Mr. Speaker in view of the grave nature of the allegations made by the Member, which led to his being asked to substantiate them, perhaps it is not within the powers of this House to direct

a Minister as to what he should do, but, Sir, I rise to seek your guidance as to what the Ministry did, in view of the fact that the Minister stood up and only told us that the substantiated allegations made by the Member were so grave that they merited an immediate investigation. Was it not up to the Ministry after the allegation had been made, to start an investigation?

The Speaker (Mr. Slade): Order! We cannot go into all this now. I have told hon. Members one way to raise this, if they wish to raise it in this House. There is another way. On a suitable occasion, hon. Members may care to use the procedure available under Standing Order 14.

But I would point out that this very same matter, as I understand it, is to come up on the adjournment of the House tomorrow evening.

The Assistant Minister for Finance (Mr. Okello-Odongo): Mr. Speaker, Sir, I thought that the point made by the Minister, the statement he made, to the effect that the matter would be investigated—Do I understand that this statement was not recorded by the House and that it was null and void or it does not work or what?

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

NOTICE OF MOTION FOR THE ADJOURNMENT

APPOINTMENT OF CHIEF IN MURANG'A

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment of the House today, Mr. Kaggia is to raise the matter of Question No. 948—Appointments of Chiefs in Murang'a, to which he thought he had received unsatisfactory replies.

BILLS

First Readings

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

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

THE KENYA BROADCASTING CORPORATION (NATIONALIZATION) (AMENDMENT) BILL

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

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

The Speaker (Mr. Slade): I would remind hon. Members that when I put the question, that the Constitution of Kenya (Amendment) Bill be now read a Second Time, last Thursday, 22nd April, we had not, when we came to a division, ninety-seven Members in the House, although we rang seven Members in the House, I therefore ruled on the Division Bell twice over. I therefore ruled on that as on other occasions, that where a special majority is required, and we cannot find even the minimum to constitute that majority, it is abortive to have a division. I think one has to treat this as if there were no ordinary quorum for an ordinary division. For that reason, I appointed this time today to have the division on that question. In the event of our not having a quorum again, then the Bill must again follow our Standing Orders with regard to the lack of an ordinary quorum as an ordinary division and postpone any further attempt at a Division until the beginning of the next sitting of the House, which would be in June.

I will now put the question again.

Mr. Khalif: On a point of order, Mr. Speaker, is it in accordance with our Standing Orders for a division to be postponed when numbers are inadequate or insufficient?

The Speaker (Mr. Slade): I answered that last Thursday and I have just answered it this very moment, if hon. Members would only pay attention.

Mr. Mbogoh: On a point of order, Mr. Speaker, could I have your guidance on this? I know that we are 130 Members, but the other day, the hon. Philip Nyaga was sent out of this House; are we still considering ourselves as 130 Members or 129 for the purpose of voting?

The Speaker (Mr. Slade): I cannot quite get your point, Mr. Mbogoh. Would you speak up?

Mr. Mbogoh: What happened is that the hon. Philip Nyaga was expelled or suspended from the House for three days—

The Speaker (Mr. Slade): Yes, yes, I understand your point now. We still have, to get the same number; he is still a voting Member of the House, even though he is disqualified from the House today. We still require ninety-seven votes.

DIVISION

(Question put and the House divided)
(Question carried by 107 votes to 3)

AYES: Messrs. Abdurahman, Achieng-Onoko, Alexander, Angiano, Anyieni, Aremam, Argwings-Kodhek, Ayodo, Bala, Balala, Barasa, Bly, Bonetti, Bonaya, Chirchir, Choge, Dr. De Souza, Messrs. Dingira, Ekitella, Gachagua, Gaciria, Gatuguta, Ghehuru, Godana, E. D. Godana, G. Godia, Ihirai, Jahazi, Jamal, Kacira, Kali, Karich, Khasakhala, Kiambu, Dr. Kiara, Messrs. Kibaki, Kibuga, Kioko, Kiprotich, Koinage, Komora, Konehellah, Kubai, Lorema, Maisori-Jumbo, Malinda, Malu, Masinde, Matano, Mate, Mutu, Mbat, Mbogoh, Mboya, McKenzie, Moi, Moss, Muliro, Dr. Mungai, Messrs. Murgor, Murumbi, Murumbi, Mutiso, Mwale, Mwangi-zandi, Mwanjumba, Mwatsama, Mwendwa, Ndile, Ngala, Ngili, Njeru, Njiri, Nyagah, Nyamwaya, Obok, Ochwada, Odeno-Jowi, Odinga, Ogie, Okello-Odongo, Okwanyo, Oloipitip, Omar, Omwari, Onandi, Osetu-Nyalki, Osogo, Otiende, Pandey, Rurumban, Sagini, Shikuku, Soi, Sono, Theuri, Tialal, Tipis, To, Tuva, Dr. Waiyaki, Messrs. Wamuthenya, Warithi.

Tellers for the Ayes: Mr. Khasakhala and Mr. Okello-Odongo.

NOES: Messrs. Agar, Khalif, Tuwei.
Tellers for the Noes: Mr. Bonetti and Mr. arap To.

(The Bill was read a Second Time)

The Speaker (Mr. Slade): Before proceeding to the next order, I would point out to hon. Members that on the Third Reading of this Bill we shall again require the same minimum number of voters. May I therefore suggest that we take the Committee stage as the very next order and then go straight on to the Third Reading. Now, if hon. Members agree to that, it does mean that they must all stay near, in order to pass the Third Reading. It will not take very long, because the Bill has to go through the Committee stage without amendment.

(The Bill was 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 (Dr. De Souza) took the Chair)

THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 1965

(Clauses 2, 3, 4, 5, 6, 7 and 8 agreed to)
(Clauses 9, 10 and 11 agreed to)

[Mr. Aremam]

children being left in the streets is because of the women hanging about on the streets in the town here and when they get these children, they get rid of them?

The Speaker (Mr. Slade): Mr. Mwendwa, did you hear the question?

Mr. Mwendwa: Mr. Speaker, I did not understand the question. Could the hon Member repeat it?

The Speaker (Mr. Slade): Will you repeat your question, Mr. Aremam.

Mr. Aremam: Mr. Speaker, Sir, is the Minister aware that these women hanging about on the streets are the ones who are abandoning babies?

Mr. Mwendwa: Mr. Speaker, first of all, I do not know what the Member means by "hanging about on the streets", but there are also women who are not hanging about on the streets, if I may use his words, who give birth to just as many children.

Mr. Kamau: Mr. Speaker, could the Minister take the trouble to see that all the pregnant women in the towns are registered, so as to know exactly that when they give birth, none of them throws the child out on the street?

Mr. Mwendwa: Mr. Speaker, if the hon. Member could show the Government a method we could actually use to find out how many pregnant women we have in the country, I would appreciate that.

The Speaker (Mr. Slade): We will continue now.

Mr. Okuto Bala, I think you have a personal statement to make?

PERSONAL STATEMENT

SUBSTANTIATION OF ALLEGATION ABOUT THE GENERAL SERVICE UNIT IN CENTRAL NYANZA

Mr. Bala: Mr. Speaker, Sir, on 23rd April 1965, I was asked to substantiate my allegation that the General Service Unit in Central Nyanza raped women in Central Nyanza. Today I would like to take this opportunity to substantiate my allegation.

First of all, Mr. Speaker, I would like to inform the House that on 24th April 1965, there was a meeting at a place called Kusa in North Nyakach, which was attended by about 5,000 people—5,000 people; you listen. On 25th April 1965, there was a public meeting at Oboch in South Nyakach which was attended by about

10,000 people. Also, yesterday, in Abern East Kano, there was a meeting attended by about 10,000 people. All these people passed a unanimous resolution that the General Service Unit have done a lot of harm in Nyanza Constituency. The resolution which was passed said that in Nyanza the General Service Unit have done a lot of damage in conformity with what I said in this Parliament. They beat so many people, so many old people, so many women and—

The Speaker (Mr. Slade): Order, order. I do not think you need elaborate in great detail, Mr. Bala. What you are required to do is to substantiate what you said before, and not to enlarge upon it. You are now quite rightly, substantiating, because you are saying that this is what you heard from a lot of your constituents; but you cannot add to the story you gave before.

Mr. Bala: Mr. Speaker, I do not want to go for stories, I want to substantiate what I said last time.

I said in the last session that the General Service Unit actually beat people in my constituency, raped the women in my constituency, and now I am going to say the sort of women they raped.

The Speaker (Mr. Slade): Order. Hon. Members must take Personal Statements seriously. They are always concerned with the conduct of a Member and they must be treated with respect. They are hardly ever laughing matters and certainly not this one.

Mr. Bala: Mr. Speaker, I quite agree with you and I will start with the people who were beaten up. Secondly, I will go through the women who were raped.

Firstly, the people who were beaten by the Johnnies or the General Service Unit are as follows. Number one, Awthoga Nyalik was beaten up in my constituency. Number two, Odindo Olang was beaten up by the General Service Unit. Number three, Ayieta's wife of Olang was beaten and raped. Number four, Edward Opiko was beaten up completely. Number five, Alo Okutu was completely beaten up, and he is an old man. Number six, Thomas Okero, was beaten up by the General Service Unit. Number seven, Onyisi Olang was completely beaten up. Number eight, Amolo Ocala was beaten up by the General Service Unit. Number nine, Nelsio Oyoo, was beaten up. Number ten, Okil wife of Ogilo was beaten up and raped. Number eleven, Anyani Ongondo was beaten up only. Number twelve, Modi wife

[Mr. Bala]

of Oyoo was beaten up and raped. Number thirteen, Sweta wife of Ongere was beaten up, and number fourteen, Nganga Midinga, was beaten up. These people can come to you gentlemen. This is serious, not playing. Number fifteen, Ojako Ogola was beaten up. Number sixteen, Bibi wife of Sero was beaten up and raped, in our Government. Number seventeen, Ondeyo daughter of Adhoga was beaten up and raped. Number eighteen, Ayoo Aluoch was beaten up only. Number nineteen, Orowo Okente was only. Number twenty, Otiemo daughter of Dodo was beaten up only. Number twenty-one, Jeremiah Olang was beaten up completely.

The Assistant Minister for Finance (Mr. Okelo-Ongogo): On a point of order, Mr. Speaker, Sir—

Mr. Bala: No, sit down!

The Speaker (Mr. Slade): Order! Mr. Bala, when another Member rises on a point of order, you know you have got to sit down.

The Assistant Minister for Education (Mr. Munio): Mr. Speaker, I rise to seek your guidance. Since this was a matter of substantiation, I was wondering whether it is proper for the hon. Member to quote each case.

The Speaker (Mr. Slade): When the House has asked for substantiation, or it has been asked for by any hon. Member, then the Member who is asked for substantiation is entitled to give it in fullest detail. But he must exercise control in doing so.

Mr. Bala: I quite agree with you, Mr. Speaker; I have only six names more.

Now, number twenty-one Jeremiah Olang was beaten up completely, and, as far as his eyes are concerned, he cannot see anybody now, because he was beaten up by the General Service Unit. Number twenty-two, Onyango Okute was completely beaten up; he cannot even raise his arms now. Anyone can go to my constituency and see that he cannot raise his arm, he was beaten up so terribly. Now we come to Munga, son of Opiyo who was beaten up completely. Number twenty-five, Ongere son of Orowo was beaten up. Number twenty-six, Auma son of Amolo was beaten up. Number twenty-seven, Oger son of Nyamolo, was beaten up.

Mr. Speaker, what I would like to say is this: We have got a national Government in this country—

The Speaker (Mr. Slade): Order, order! Mr. Bala, this is not an opportunity for you to do anything but substantiate. You give the substantiation asked for, and that is the end of it.

Mr. Bala: Mr. Speaker, Sir, I would like to finish my substantiation.

The Speaker (Mr. Slade): You can finish your substantiation, yes.

Mr. Bala: Mr. Speaker, Sir, according to the last decade, our position is this. We people are Kenyans, and—

The Speaker (Mr. Slade): Order! Hon. Members must understand that the making of a Personal Statement is a privilege and it is strictly limited to the subject matter on which it is allowed. In this case, when the hon. Member has been allowed to substantiate, he has not been given an opportunity to make a speech.

You have made your substantiation. Now we will move on.

MINISTERIAL STATEMENT

INVESTIGATION INTO GENERAL SERVICE UNIT ACTIONS IN CENTRAL NYANZA

The Minister for Internal Security and Defence (Dr. Mungai): On a point of order, Mr. Speaker, Sir, may I have your guidance on this point? In view of the fact that the Government takes this substantiation very seriously, if such crimes have been committed by the General Service Units, when these men are supposed to serve this Government and behave towards the public with honour and dignity, then I would like that matter gone into; and if these people who have been beaten up or otherwise molested like to have a investigation made to the police, so that a full investigation can be made, then if anyone is found guilty he can be brought to justice. I would also like to have this brought before the House later, if possible.

The Speaker (Mr. Slade): I will just deal with this— It was not actually a point of order; it was more like a Ministerial Statement. Of course, Government will have an opportunity to comment on this as early as tomorrow evening, when the same matter, I think, is going to be raised on an adjournment.

You had a point of order, Mr. Bala?

Mr. Bala: Mr. Speaker, on a point of order, it is not in order that I express in this House the feelings of my constituents?

The Speaker (Mr. Slade): At the right time and in the right manner. Not when you are being privileged to make a personal statement.

[Mr. Konchellah] means by "free education", because with free education, either you tax the child by charging school fees, or you charge the parents by charging higher taxes; so really free education does not actually exist. Either you tax the child or the taxpayer.

The Speaker (Mr. Slade): Mr. Odero-Sar—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, is it right to call on another question when the Minister is still replying?

The Speaker (Mr. Slade): I thought he had finished. I am sorry, Mr. Konchellah, do go on.

Mr. Konchellah: Mr. Speaker, it is not the question of free education which has made all these *Harambee* schools start, but it is the need for education which is actually being limited because of lack of funds.

Mr. Odero-Sar: Mr. Speaker, Sir, is the Assistant Minister aware that most of the *Harambee* secondary schools are started after the Government has told the people that they should begin the secondary schools by themselves and then the Government will help them?

Mr. Konchellah: Mr. Speaker, I did not say that the Government would not help these *Harambee* schools; but I did say that as time goes on, we will try to include the *Harambee* schools in our Development Plan.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 2009; TAKE-OVER OF HARAMBEE SELF-HELP SCHOOLS

Mr. Muliro: On a point of order, Mr. Speaker, arising from the most short-sighted policy of the Government, in regard to this question, I would like to raise a Motion on adjournment.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Before I have yours, Mr. Mboya, I think Mr. Muisori wanted to rise on the same point of order as Mr. Muliro, and he would really have the first claim on this.

Mr. Muisori-Itumbo: It is all right, Mr. Speaker, I appreciate the move of the hon. Mr. Muliro.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, my

point of order is to seek your guidance. Did the hon. Member for Trans Nzoia give notice in view of the short-sighted policy or in view of the unsatisfactory reply? Is it the reply or the policy that we are talking about?

The Speaker (Mr. Slade): The usual cause for a matter to be raised on adjournment following a question is the unsatisfactory reply to questions which I think is what the hon. Member meant, but you can give any reason for wanting to raise a matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 2025

TERMS OF SERVICE FOR LABORATORY ASSISTANTS

Mr. Khalif asked the Minister for Health and Housing whether, in view of the fact that very unfair terms of service and salaries were accorded to laboratory assistants, the Minister would consider appointing a board to inquire into this matter, with a view of finding better terms of employment and salaries.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The terms of service and salaries of laboratory assistants are similar to those of others in this Ministry who are trained at the Medical Training Centre and who hold local qualifications of a similar nature, e.g. medical assistants, orthopaedic assistants and pharmaceutical assistants.

Strong representations have been made to Government to review the grading of all these posts.

Mr. Khalif: Mr. Speaker, Sir, is the Assistant Minister aware that the laboratory assistants render the most important services in the medical departments, notwithstanding the fact that they are very underpaid?

Mr. Moss: That is quite correct, but I do not agree with what the Member says, Mr. Speaker.

Mr. Khalif: Mr. Speaker, Sir, arising from that short-sighted reply, is the Assistant Minister aware that laboratory assistants who work in private firms get better salaries than those who work in the Government?

Mr. Moss: Mr. Speaker, Sir, I think the hon. Member does not understand that we, as a Government, do not make a profit, but the private firms, and those who work in private firms, make profits, and therefore, they can pay higher salaries.

Mr. Khalif: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that the

Mr. Khalif laboratory assistants find it impossible to further their qualifications for the purpose of promotion, in view of the fact that training and courses for such purpose do not exist in Kenya?

Mr. Moss: Mr. Speaker, Sir, the question of promotion is a consideration of many things. Qualification is one, and experience is another as well as efficiency, and I want to tell the hon. Member, right now, that, at present, the laboratory assistants have better prospects of promotional training and subsequent training to higher grades than do most other medical assistants.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister explain these better prospects for laboratory assistants for promotional purposes?

Mr. Moss: Mr. Speaker, Sir, it is in line with what they are supposed to do.

Mr. Ngala-Abok: Mr. Speaker, Sir, in view of the time we take here to ask questions, will the Assistant Minister now answer what is in me with what they are supposed to do in terms of their prospects, as far as the policy of the Ministry is concerned?

Mr. Moss: Mr. Speaker, I am glad that the hon. Member asking the question was at one time a member of my Ministry, and I hope in view of this, Mr. Speaker, he understood the terms of service regarding my Ministry as to how promotions are made.

The Speaker (Mr. Slade): We will now go back to Mr. Rurumban's question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 2025; TERMS OF SERVICE FOR LABORATORY ASSISTANTS

Mr. Khalif: On a point of order, Mr. Speaker, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): There is quite a long list now.

ORAL ANSWERS TO QUESTIONS

Question No. 2001

SAMBURU COUNTY COUNCIL ELECTIONS

Mr. Rurumban asked the Minister for Local Government if he would tell the House why the elections for the Samburu County Council had not yet taken place.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The

election of the County Council of Samburu has not yet been held because the Rift Valley Regional Assembly extended the lives of the local authorities in the province by one year: that is to say, elections which had to be held on 30th June 1964, were extended to 30th June 1965, and those that had to be held on 30th June 1965, were extended to 31st December 1965.

Mr. Rurumban: Mr. Speaker, Sir, arising from the Minister's reply, will the Minister tell the House the reasons why the County Council of Samburu has been given a longer period, or why the Regional Assembly has agreed to extend the period of election of one-third of the members?

Mr. Sagini: Mr. Speaker, Sir, this is rather an unfair question, because the Member knows very well that his people wanted to stay longer in office, for a year longer.

Question No. 2018

GOVERNMENT ACTION ON ABANDONED CHILDREN

Mr. Aramas asked the Minister for Labour and Social Services what the Government was doing about children being born and abandoned on the streets in various towns.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. Government is doing all it can, within the imposed financial limitations of the present state of the economy, to develop social services and, in particular, those services dealing with social casualties.

The Child Welfare Society of Kenya, which receives a Government grant, does attempt to take care of abandoned babies. The excellent work of this society needs supporting by a re-awakening of the traditional attitude towards babies abandoned by their parents. In the past, the extended family received such children and were sympathetic to the problems of the mother. More often than not, the babies are abandoned because the mother has broken the bonds of family relationships. A much more sympathetic attitude on the part of the families would encourage the mothers to recognize their responsibilities towards their babies.

I would ask every Member of this House to assist with the re-awakening of our traditional attitude towards this problem. In the meantime, Government will continue to do everything possible, within its financial limitations, to take good care of these unfortunate babies that have been abandoned by their parents.

Mr. Aramas: Mr. Speaker, Sir, would the Minister agree with me that the cause of these

Mr. Muti: Mr. Speaker, Sir, would the Minister care to answer my question, because although I said "assuming," I thought that the Minister would be sufficiently well informed to know that it is a requirement of the law that these people register births.

Mr. arap Moli: As I said before, Sir, we do not deal with assumptions; I would like the hon. Member to say which number.

Mr. Muti: Mr. Speaker, Sir, the Minister, in reply to my hon. friend's question, said that a certain number of minors have had their applications presented to his Ministry. According to the requirements of the law here in Kenya today, births have to be registered and therefore we have a means of knowing how many persons or children exist and who might be affected by this.

I am only trying to find out what percentage these few applications represent, as far as the total number affected by this requirement is concerned.

Mr. arap Moli: Mr. Speaker, since the hon. Member is knowledgeable about all the procedures, he knows that my colleague, the Attorney-General, is responsible for the registration of births and deaths. So it is not my business to deal with that side of the question; and therefore the question is irrelevant.

Question No. 1062

TITLE DEEDS TO FARMERS IN NYAMBENE

Mr. Gacalatta asked the Minister for Lands and Settlement if he could inform the House how many farmers had been issued with title deeds in the Nyambene Settlement Scheme.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. I am not aware of any settlement scheme at Nyambene, although it is possible that the hon. Member is referring to the tea development scheme there. In any case, title deeds to plots cannot be issued until the land consolidation process, as laid down by the Land Adjudication Act, has been applied to the area by the Land Consolidation Department. However, Sir, the hon. Member will be pleased to hear that Nyambene has already been included in that department's 1965-66 programme, so it should be possible to issue title deeds in about eighteen months' time.

Mr. Gacalatta: Mr. Speaker, Sir, in view of the fact that the Nyambene Settlement Scheme started early in 1959, could the Minister tell this House why it has taken so long to issue title deeds?

Mr. Angaine: Mr. Speaker, I do not know what the hon. Member is talking about. What sort of "scheme" is he referring to? Is it the tea scheme, or is there another scheme which I don't know about?

Mr. Gacalatta: Mr. Speaker, Sir, I am referring to the Nyambene Tea Scheme.

Mr. Angaine: Mr. Speaker, Sir, I have said that as soon as the land has been consolidated—well within eighteen months' time—title deeds will be issued.

Mr. Mbogohi: Mr. Speaker, Sir, in view of the fact that Kenya is heading towards being a socialist state where all land will belong to the state, would the Minister agree with me that no title deeds are needed at present?

Mr. Balala: On a point of order, Mr. Speaker, Sir, a stranger in the Speaker's Gallery, at least an officer, is recording something. I would like to know whether it is in order for anyone in the Speaker's Gallery to record anything?

The Speaker (Mr. Slade): No, it is not. There is another matter of order: actually arising from Mr. Mbogohi's supplementary question. Although hon. Members are entitled, in presenting supplementary questions, to state essential facts on which the question is based or which explain the question, that does not allow hon. Members to introduce their own opinions or argument. Mr. Angaine, you need not answer Mr. Mbogohi's question unless you want to.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 1062:

TITLE DEEDS FOR FARMERS IN NYAMBENE

Mr. Kargaria: Arising from the unsatisfactory reply from the Minister, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 1066

TEACHERS' TERMS OF SERVICE: IMPROVEMENT OF

Mr. Godia asked the Minister for Education whether, in view of the fact that many teachers had been discouraged by the terms of service for African Teachers, the Minister was prepared to improve these terms of service, in order to attract teachers, who had joined commercial firms and other Government departments, back into the teaching profession.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Within the financial limitations of the country, the Government will continue to do all it can to improve the terms of service for teachers and the last attempt to do just this was undertaken just over a year ago, on the basis of the Pratt Commission Report. These improved terms or service should enable the Ministry to attract more young people into the service and, perhaps, to attract a few more from companies, commercial firms and other Government departments than in the past. However, as the hon. Member will no doubt know, in the past, the teaching profession profited of our young people, and it was to be expected that when other openings became available, the teaching profession would act for some time as the recruiting ground for other occupations.

Mr. Godia: Arising from the Minister's reply, can the Minister tell the House how many of the teachers who left teaching due to poor terms of service, have been attracted back to the profession due to improved terms of service?

Mr. Koinange: Mr. Speaker, Sir, the fact that there have been a number of teachers who have left other professions to join the teaching profession, is surely an indication that conditions in the teaching profession are getting better and better.

Mr. Umar: Mr. Speaker, Sir, arising from the Minister's reply that the teachers were satisfied with the Pratt Commission, is he aware that the teachers are still not satisfied and, therefore, the need for improvement in the terms and conditions of service of teachers still exists?

Mr. Koinange: Mr. Speaker, Sir, the Pratt Commission Report was to a certain extent, satisfactory but it was not completely so, and as I said, terms and conditions of service will continue to be reviewed.

Mr. Anyleni: Mr. Speaker, Sir, is the Minister aware that a person who has a General Certificate of Education is regarded as having School-leaving by other Government departments. In the Ministry of Education, he is regarded as being of Standard X and, as such, it removes a lot of teachers who have already taken a teaching course with only a General Certificate of Education, and they go to other departments instead of staying in his Ministry.

Mr. Koinange: I realize that.

Mr. Anyleni: Mr. Speaker, since the Minister realizes that, will he then give an assurance to this House that he is going to take steps to

remedy the situation, so that a trained teacher with a General Certificate of Education is regarded as having School Certificate, in the same way as he is regarded by other Government departments?

Mr. Koinange: The question of teacher-training is in the scheme which we are anticipating will start in a very short time and, within two or three weeks, we are going to recruit teachers, and the answer to the hon. Member's question, depends on the number of teachers we will have after we have trained them.

Mr. Malsori-Itumbor: Mr. Speaker, Sir, in view of the seriousness of this question, is the Minister aware that teachers, all over the country, are running away from the teaching profession and are joining other departments? If so, will the Minister tell the House how soon he is going to complete the review on the terms of service of teachers?

Mr. Koinange: It is not quite true, Mr. Speaker, Sir, that all teachers are running away from teaching and going to other professions. That is not quite true. But, the fact remains, and I want to make this very clear, that, according to Professor Ominde's Report, over 6,318 are untrained teachers in this country and a little over 1,800 are those teachers from—

Mr. arap Soli: On a point of order, Mr. Speaker, is it in order for a Member to hang his legs like that?

The Speaker (Mr. Slade): If this House is willing to follow the practice of the House of Commons, it is quite in order. It is for hon. Members to decide how far they want to follow that particular practice.

Mr. Mate: Mr. Speaker, Sir, arising from what the hon. Minister has said, he has referred this House to a report which has not been debated here. Is it in order that we should discuss anything here which has not yet been approved by this House?

The Speaker (Mr. Slade): Whenever a paper has been laid before the House, there can be reference to it by any hon. Member. Of course, any hon. Member, at any time, can move for a debate of a particular paper that has been laid also; but the Minister is in order. You were in the middle of answering, I think, Mr. Koinange.

Mr. Koinange: Mr. Speaker, Sir, I was saying that about 6,318 teachers are untrained teachers in this country. About 6,000 have passed the Kenya Preliminary Examination and have had

Mr. Sol: Mr. Speaker, Sir, would the Assistant Minister tell the House whether there is a full-time employee of the organization stationed at Bomet?

Mr. Bomett: Yes, Sir.

Mr. Sol: Mr. Speaker, Sir, if it is true that there is a full-time employee there, is it not true that the so-called post office is really a shop whereby a full-time shopkeeper is trying to do a part-time postal service?

Mr. Bomett: Mr. Speaker, Sir,—

Mr. Ngala: On a point of order, Sir, while the Assistant Minister is called Bomett, and the question applies to Bomet, would it not be appropriate for him to declare his interests?

Mr. Bomett: Mr. Speaker, Sir, I am arap Bomet, but this is Bomet.

Mr. Keitch: Mr. Speaker, Sir, the Assistant Minister has not replied to the second part of the question, so could he reply to that part (b)?

Mr. Bomett: Mr. Speaker, Sir, in answer to (b), I said that an official of the Post and Telecommunications will visit this area, and he will give us a report, but I would also be prepared to go to the area, if the Member is anxious.

Question No. 1038

RICE-HUSKING MACHINE FOR MIGORI

Mr. Okwanyo asked the Minister for Co-operatives and Marketing, since Migori was the second rice-producing area in Kenya, whether the Minister would consider giving them a rice-shelling machine, as promised to Mwaa-Teabere?

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, as soon as the Minister of Co-operatives and Marketing is satisfied—

Hon. Members: Speak up.

Mr. Ngei: Mr. Speaker, the hon. Members must know that I have been doing a lot of mileage and talking to the people in their Constituencies, so I should be excused.

Mr. Speaker, Sir, as soon as the Ministry of Co-operatives and Marketing is satisfied that this area produces sufficient rice to warrant giving them a rice-shelling machine, that will be done.

Mr. Okwanyo: Mr. Speaker, Sir, since the number of bags that was produced last year from this area was in the nature of 60,000 bags,

would the Minister, not consider this enough to give them a machine?

Mr. Ngei: Mr. Speaker, Sir, what I am doing at the moment is setting up rice zones and considering each zone which should have a rice-shelling machine. If this area comes within the zone I am thinking of, I shall consider giving the people of that area a rice-shelling machine.

Mr. Mbogohi: Mr. Speaker, Sir would the Minister tell the House when he is giving out these shelling machine?

Mr. Ngei: Mr. Speaker, Sir, actually I should correct that, I did not say giving, but I shall consider giving them a licence to have a rice-shelling machine.

Mr. Sono: Mr. Speaker, Sir, may we know from the Minister the zone in which he is planning to give a licence for such a machine?

Mr. Ngei: Mr. Speaker, Sir, the time is not opportune to say which zone as yet, because I am still trying to get facts from various experts including the Ministry of Agriculture.

Question No. 1054

TREASURERS' POSTS

Mr. Kall asked the Minister for Local Government if he would tell the House—

(a) what had happened to eight African senior shadow posts for treasurer—who were sent to the Kenya Institute of Administration at Jengo School; and

(b) whether he was aware that only three remained with the Nairobi City Council and that even those three were planning to leave the council due to ill-treatment.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply, I presume the hon. Member is referring to the eight trainee accountants who were sent by the Nairobi City Council to attend the first advanced level Government finance course at the Kenya Institute of Administration, with the object of sitting for the intermediate examination of the Institute of Municipal Treasurers and Accountants, in May 1964.

The position, Sir, with regards to these officers is as follows:

(a) After two terms at the Institute, three were withdrawn on the advice of the principal, that they were unsuitable for the course. All these officers subsequently resigned from service with the city council, and it is understood that one

[The Minister for Local Government] secured an appointment with the Kenya Co-operative Creameries.

(b) Of the remaining five, only two passed successfully the internal examination set by the Institute; and of these, one sat the intermediate examination of the Institute of Municipal Treasurers and was successful. The other officer will be sitting this examination in November 1965, by which time he will have acquired the necessary qualifying service.

(c) Apart from the three officers who resigned after being withdrawn from the course, all the remaining five officers are still employed by the Nairobi City Council, as follows: Accountant (Grade 2), two officers. Shadow cost accountant, one officer. Chief revenue officer, one officer. Accountant (Grade 4), one officer. Total: five.

It will be obvious from what I have just said that five, and not three, of these officers remain with the city council. I am not aware that any of them are planning to leave the council for any reason whatsoever. Two, in fact, are, at the moment, back at the Kenya Institute of Administration, undergoing further training sponsored by the City Council of Nairobi. It would therefore be inadvisable for these officers to leave the city council now, and to disrupt their full-time training.

Mr. Kall: Mr. Speaker, Sir, while agreeing with some of the points that the Minister mentioned in replying, I would still like to ask him if he is aware that these same jobs, which were to be occupied by these shadow officers have been advertised and expatriates are being asked to fill them?

Mr. Sagini: I am not aware of that, Sir. That sounds to be another question altogether.

Mr. Mallors: Mr. Speaker, Sir, arising from part (b) of the question, would the Minister not construe that, since the hon. Member is aware that three of the remaining officers are planning to leave, would the Minister not at least try to inquire and find out the truth about that part of the question?

Mr. Sagini: Mr. Speaker, Sir, I think I have replied to this very adequately. The City of Nairobi is not a forbidden place. If the officer wishes, he could consult the officers there, the Mayor and other people.

Mr. Ngala: On a point of order, Mr. Speaker, is the Minister in order in referring the question to the Mayor of Nairobi, when the Mayor of Nairobi comes under his own Portfolio?

The Speaker (Mr. Slade): This is a point which arises quite often. I have said before in this House: that we do expect a Minister to accept some responsibility to answer questions concerning any other authority in the country, even though it is, to some extent, autonomous. But it is always a question, in the end, of whether an answer is satisfactory, and better an answer like that from the Minister than none at all. The House is to judge whether they are satisfied or not; but I cannot say, ruling on a point of order, that the answer is out of order.

Question No. 1042

CITIZENSHIP APPLICATIONS FOR MINORS

Mr. Jamal asked the Minister for Home Affairs how many applications for citizenship had been submitted on behalf of minors since January 1964; and how many minors had been granted Kenya citizenship.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. Since January 1964, 270 applications have been submitted on behalf of minors. Out of the 270 applications, 174 have been registered, and ninety-six applications have been approved by me. As soon as the required fees have been paid, registration certificates will be issued.

Mr. Jamal: Mr. Speaker, would the Minister tell us why there is so much delay in minors being registered as Kenya citizens?

Mr. arap Moi: Mr. Speaker, Sir, there has been no delay except that there was an apparent delay due to the change of Ministers; therefore now the whole thing has been sorted out.

Mr. Jamal: Would the Minister agree with me that a period of twelve months can be referred to as a "delay," or not?

Mr. arap Moi: Mr. Speaker, I did point out that the number of application submitted was 270. All of them have been approved, except ninety-six who have been approved but not yet registered. As soon as they pay their fees, they will be registered. Therefore, there is no delay.

Mr. Mutit: Mr. Speaker, Sir, assuming that the people affected by this requirement are people who are supposed to register births, would the Minister tell us what percentage this number he has given us represents among those people who are affected by the registration of births in Kenya?

Mr. arap Moi: Mr. Speaker, we do not deal with assumptions, we deal with figures.

Mr. Shikuku: On a point of order, Mr. Speaker, is the Attorney-General in order in replying— Could the hon. Member substantiate that the students who are locally educated are of less value than those who are educated overseas?

The Speaker (Mr. Slade): That is not a matter for substantiation, it is matter of opinion.

The Attorney-General (Mr. Njonjo): I did say that we are encouraging students to be educated abroad as well as in this country. However, I did also say that they get a broader education overseas. For instance, if I were to ask you where Norfolk is you perhaps you would not know, but a person who has been educated in that part of the world would know exactly where Norfolk is.

The Speaker (Mr. Slade): Mr. Njonjo, unless you want to close very quickly, perhaps you

would like to conclude your speech when we meet again.

The Attorney-General (Mr. Njonjo): Well, I will close now by saying one quick point.

The other point is the cost. Perhaps the hon. Member does not know that it costs more to educate a student in this country than it does to educate him overseas.

With those few words, I oppose.

ADJOURNMENT

The Speaker (Mr. Slade) It is time now for the interruption of business and the House is therefore adjourned until Tuesday, 27th April, at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

Tuesday, 27th April 1965

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
Sessional Paper No. 10 of 1963-65: African socialism and its Application to Planning in Kenya.

(By the Minister for Economic Planning and Development (Mr. Mboya))

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, could I say that all Members will find a copy of this Sessional Paper in their pigeon-holes some time this afternoon, and they should start reading it right away.

NOTICE OF MOTION

SESSIONAL PAPER NO. 10 OF 1963-65: AFRICAN SOCIALISM

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, having studied carefully the Sessional Paper No. 10 of 1963-65 entitled "African socialism and its Application to Planning in Kenya," notes and adopts the said Paper as the basis and guide for future development planning and policy in Kenya.

ORAL ANSWERS TO QUESTIONS

Question No. 1037

MIGORI-MUHURU BAY: ALL-WEATHER ROAD

Mr. Okwango asked the Minister for Works, Communications and Power if he was aware that the road from Migori to Muhuru Bay became impassable during the rainy season, despite the fact that all the gold, maize copper and rice from Migori was transported along this road.

The Assistant Minister for Works, Communications and Power (Mr. G. Godana): Mr. Speaker, Sir, I beg to reply. Yes, I am aware that this road like so many others is not fully an all-weather road and that traffic may suffer temporary dislocation for a few hours at a time during the period of the heavy rain. However, it should be appreciated that the Government cannot offer to

make up all the roads in Kenya to all-weather roads, although of course, it is our ultimate aim that all roads should be improved progressively.

Mr. Okwango: Mr. Speaker, Sir, since this part of the country is now considered to be an area of mineral potential, will the Government consider making this road into an all-weather road?

Mr. G. Godana: Mr. Speaker, Sir, I am not aware at all whether this part of Kenya is recognized as an area of mineral potential or not.

Mr. Malsori-Iumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that this particular road is a trunk road, connecting Kenya, Tanzania, Uganda and other places?

Mr. G. Godana: No, Sir, this is not a trunk road, it is only a secondary road.

Mr. Okwango: Mr. Speaker, Sir, is the Junior Minister aware that food, rice, copper, gold and many other minerals travel along this road?

Mr. G. Godana: Could the hon. Member repeat the question? I did not hear him.

Mr. Okwango: Mr. Speaker, Sir, is the Junior Minister aware that food, rice, copper and other minerals are carried on this road on their way to Lake Victoria?

Mr. G. Godana: Yes, Sir.

Question No. 2006

POSTAL AND TELEPHONE SERVICES: BOMET

Mr. Soi asked the Minister for Works, Communications and Power:—

(a) Whether he was satisfied with the present postal and telephone communications in Bomet Constituency.

(b) If he was prepared to visit Bomet Division to learn of the problems on the spot.

The Assistant Minister for Works, Communications and Power (Mr. Bomet): Mr. Speaker, Sir, I beg to reply. The services provided by the East African Posts and Telecommunications Administration to the people of Bomet, are in keeping with the present demand for these services in the area, as indicated by the traffic being handled at the Bomet Post Office.

A survey of postal facilities in the Rift Valley Province is to be carried shortly by a postal official, who will decide on the spot whether it is necessary to up-grade any post office, and Bomet will be included in this survey.

[Mr. Ngala-Abok]

Motion really needs. The Motion is specific in that the countries that are now ready to offer scholarships for our boys to go and study in their countries should now divert their attention to the negotiation machinery with our Government to establish certain universities in East Africa. In this way, for example, we will not have an incident where a great number of students come from Russia back to this country, poor and needy as they are, to engage the attention of the Government, a Government that is receiving aid from overseas, and then claim they were being discriminated against, that they were indoctrinated and that the ladies of those countries where they were refused to dance with them. This is absolutely stupid. Personally, I have been studying in this country, Kenya, but I do not want to claim that I know everything about these countries abroad. I know a little about them in order to enable me to represent my people in this Parliament. The position is that even in the schools here, you find that you are studying with ladies just a few yards from you. The ladies are confined to their compound and if in any circumstance you ask a lady to have a dance with you she refuses. You, as boys, hold a dance in your own hall—it is happening in this country. The boys hold a dance in this hall and very near to that hall the ladies are holding another dance. Unless the principals of both these organizations accept that they can dance together you will never see it done. The position is that you can never do certain things when you like. You have to be a Member of Parliament in order to drive a car. That is why today we want to be very, very progressive.

The Speaker (Mr. Slade): That is a bit irrelevant now.

Mr. Ngala-Abok: Mr. Speaker, in this Parliament of ours much as we like it, there is a feeling that certain people would favour certain things while others think differently. This is not because they are not completely neutral and non-aligned and do not have a policy which our country can follow. That is why some people want to say that some claim they do not like this ideology and some do not like the other. This is what is actually destroying us and this is definitely true. If there is a university graduate from the United States and another from Russia this Parliament will never agree to them on the basis that these students will not agree on the economic policy. These people cannot agree because they were indoctrinated differently. A person studying in the University of East Africa at Nairobi will not have the same ideas as the person studying in Dar es Salaam because in each

case there is a different way of life. If we go on in this way it will be difficult for me to teach so many principles because I believe in so many different things. It is just like doing mathematics. Mr. Speaker there is one approach to get an answer whereas some other person will get another answer. One person will say this is my method of getting it and the other will say that the other is the method and the better method at that.

So, we must have a syllabus laid down by our African educationists and this must be followed by the East African teachers so that the indoctrination will be East African. The socialism will be East African and it shall not, at any time, be said that because the student was in the United States the socialism he brings is different, it is a form of capitalism. We want to steer clear of these sort of things and excuses.

So, what the Member for Butere means is that the Government should find some means of avoiding any continuous trouble. Continuous trouble is coming but we must try to avoid it. Some people in this Parliament have toured the Eastern countries and so they know very little about the Western countries. They only know there is a difference between the Eastern and Western countries but they know more about the countries where they have been indoctrinated. There is the best in the East and in the West and we must choose what is best from each place, something that will do no harm to us. We must not think that the countries of the East only have the better things because the people of the United States also feel that they can reach the moon. So we must choose the best from each and adopt this in our system of education. We must have a policy of non-alignment and we must stick to that. We want African socialism and we must carry this out in practical terms.

I would like very strongly to support this Motion with the very superficial arguments that I have put forward because I do not wish to go into great details. These are African students, they practise our African socialism in the simple language in which we speak. I only wish to pin down the idea that instead of getting scholarships for which Members have campaigned during their campaigns, but I have no money and nothing to offer scholarships with and so no one will think of me along those lines. Nobody will say that I have sent him abroad because I have nothing to do with it. I can only help my people with the money I have in my pocket, the money which I get from working hard in Parliament.

[Mr. Ngala-Abok]

That being the case, Mr. Speaker, Sir, I do not wish the Government to bring an amendment to this Motion because an amendment has already been made in East Africa. Our Government should take the lead to adopt the policy of expending the money to establish universities. Universities also differ, but we do not want to be too general. If it is a question of lack of engineers, or lawyers, we want to establish universities to get these kind of people. We want to control the syllabus. We know that that is the most important thing because we will be supervising the teaching. I know some people will say that the teaching at the Lumumba Institute can be supervised; that is good because this is our country. So there is no reason why the supervision should be from outside. We would like every type of education to be taken into account for the good of our country and we must have all types of education right here.

Mr. Speaker, I wish to support this Motion and I hope the Government is not going to amend it.

(Question proposed)

The Attorney-General (Mr. Njonjo): Mr. Speaker, I only wish to take a few minutes to comment on this Motion.

Mr. hon. Member: Are you replying on behalf of Government?

The Attorney-General (Mr. Njonjo): No, Sir, I am not replying on behalf of Government since the Assistant-Minister for Education is here and he can do so.

In my own submission I think the Motion, Mr. Speaker, is misconceived. First of all the Mover—I am glad to say that, of course, the hon. Member who seconded the Motion said he was not serious, he did not have serious views to put, and I suppose that—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, that was my diplomacy. Is it in order for the Attorney-General to misconstrue what I said?

The Speaker (Mr. Slade): I think that he was referring to your own admission that your arguments were superficial.

Mr. Ngala-Abok: Mr. Speaker, if my reasons are superficial I wish them to be so. Does it mean that I am taking the matter lightly?

The Speaker (Mr. Slade): You cannot complain of his interpretation of what you said, Mr. Ngala-Abok.

The Attorney-General (Mr. Njonjo): If my interpretation, of course, is wrong, Mr. Speaker, I do not want to press the point. But the hon. Member did use the word "superficial" and my understanding of the word "superficial" means exactly what he said and the Member did not put a serious case on the Motion.

Mr. Speaker, as I was saying, the Motion itself is misconceived because the Mover says that the countries which have been giving help to our country by helping our students to go overseas are now required by this Motion to devote their funds to the building of universities in East Africa. Of course, I again say here that when the scholarships started in this country—the hon. Mover who introduced the Motion might perhaps realize this was before his time—hon. Members might remember most of the scholarships which were given to students were given by private individuals. They offer these scholarships to the countries either to an individual student or to a group of individuals. You cannot, Sir, I submit, dictate to the person who is offering the scholarships how the money is going to be spent.

Mr. Shikuku: On a point of order, Mr. Speaker, I think I am being misrepresented, because it must be borne in mind that I am talking of Government, I am not talking of individuals. There are scholarships from various countries. I am a member of the Selection Board for various countries from which these scholarships come.

The Speaker (Mr. Slade): The Motion itself refers to help from other countries.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I was merely developing my case and if the hon. Member for Butere—I am developing my own case and I hope I can put it as strong a case as I can against this Motion.

First of all, Mr. Speaker, the system we have today of offering scholarships—rather the system we have on education—is that we have a system in this country and some other students go overseas for education. I submit that the two systems are not mutually exclusive. We would like to encourage some of our students to go overseas and some others to be educated in this country. I feel that those who are educated overseas do perhaps broaden their outlook more, they reason better, and perhaps they tend to be more broad-minded and not local. Perhaps they do not understand us as the hon. Member said he was using Butere idioms which some of us do not understand.

[Mr. Shikuku] independent and that we could also provide education or give scholarships to other Europeans or other people, to come and study here.

Another reason, Mr. Speaker, why instead of having scholarships given to our students, we would prefer to have universities built here, instead of students going to Britain, for medicine or a degree after obtaining their school certificate is an economical one. It means that the student will have to be there for two years, plus three years to take his degree which will come to, roughly, five years. If you look into the matter you will see that the amount of money spent on one student in Britain, for example, taking into account his tuition, board and lodging, you will find that the amount spent in five years would, locally, educate at least two more students here. Therefore, I am of the opinion, Sir, that if we could approach these countries which have so generously given us scholarships and ask them to give us that amount for ten students, because sometimes they take twenty, thirty or forty, if we had that amount we could, in East Africa, build more universities which would be able to take more students and be able to produce more people as graduates. I think this is much better than having a few people going overseas and staying there and having foreign Governments paying so much on only a few students.

Also, Mr. Speaker, you find that when these students who go overseas, have completed their studies, after which they are easily attracted by the amount of salary which is offered to them in those places, and after qualifying you find that they prefer staying in those countries and working there rather than coming back, while some of us here are shouting that we would like to have Africanization, only to find that we do not have the people. We have been told in this Parliament time and again that we are waiting for personnel to come and take over or to Africanize certain high Governmental posts. I feel, Mr. Speaker, that it is not only that we prefer to have our students studying in this country, but I feel that we if we had this money we would be able to produce many more people with graduate education than we are doing at the moment by having a few people on whom those Governments who give us scholarship are spending so much. I would prefer instead to suggest, Mr. Speaker, that those countries which are willing and would like to go ahead in trying to provide us with university education, if they could be kind enough, should give us that money and also give us teachers, because we do not have teachers, to come and teach our children here in our own

environment so that they obtain a university education, at the same time learning what we are. Today when we have these chaps going overseas and they come back, they think quite differently. Some of them come back and there is some trouble now which is not manifest, at yet, but we find someone who went to New York comes back with New York ideas; and someone who went to Moscow comes back with Moscow ideas. You find some of them think that the American way of living is the best way and some think that the Russian way of living is the best way.

We have confusion here and this is because when some of these students leave this country when they are very young, some may be seventeen and they come back as young men—of course, in my case I can never be brainwashed—and when they go to these countries they sometimes are young men who have accustomed themselves to that high life and when they come back they usually are a little disappointed to find that the life here is completely different from the one they have been used to. I think if we could educate these people in our own environment and have these teachers here, they would learn our own problems. I would prefer, Mr. Speaker, for them to go for post-graduate courses abroad. Let us say that someone has graduated as a medical student and he wants to go and specialize in, for example, eye troubles, like Dr. Waiyaki, who has had eyes, and we still have to get more people, and then we could have a specialist in eye problems who would come and help probably to change the doctor's spectacles if they are getting out of order. If they could go abroad for post-graduate courses to specialize in some profession and come back, at that age they will have learned the life in Kenya, they will have been educated in the environment of Kenya; if a person goes to Britain, to Moscow or to any other part of the world, he will go with the sole idea of specializing in that particular profession and come back to help his country.

Another issue, Mr. Speaker, is this. You will realize that most of the students who go out of the country are from families that are well-to-do or who are known to some of the big dignitaries in the country, and the result is that most of these chaps who have been going—and I am glad today that the Government has corrected the system—have been known to big men and they are not necessarily the brightest brains we have in the country but because they happen to be known to some of the big guns of the country or their parents are well-to-do and can send them overseas. I feel this is a little unfair because I know some of the bright brains usually come from poor families. These poor families are very

[Mr. Shikuku] good at producing bright brains and these poor families, if this system is pursued, do not have the chance of having their children going overseas and thereby coming back to help the country. I think the poor brains and the poor men—

The Assistant Minister for Health and Housing (Mr. Moss): On a point of order, Mr. Speaker, can the hon. Member substantiate or prove that city children born in poor families are the brainy ones?

The Speaker (Mr. Slade): I do not know whether you can reasonably require substantiation of a statement of that kind.

Mr. Shikuku: Mr. Speaker, I would not mind substantiating but it was just a general remark. It is true that some of the great men we have had in the country have come from poor families. I was at school with some of the rich men's children and they never beat me in the class. I am from a poor family, but they never beat me. If it is a question of substantiation, I think I have substantiated. I beat them in class.

Mr. Speaker, Sir, in view of the fact that there are so many poor men and women in this country—and the fact that you are poor does not mean you cannot produce children—and there are more poor men than rich men, I am of the opinion that if we insisted on this and Members of Parliament took this into account and tried to persuade those countries which are offering us scholarships to build more universities in this country, this would help those poor men's children who are unable to get access to overseas education to be taken into the East African universities at less cost, so that we can produce more brains to help this country and who can later on go for post-graduate courses abroad.

Mr. Speaker, Sir, I do not wish to labour this issue very much because I am of the opinion that the Motion as it is quite straightforward, and I do not think that the Government would have any problem in accepting this and taking the initiative in getting in touch with all the countries concerned, to try and help us to build our own universities here so that we can also have educational exchanges with those countries, because if we do not have enough vacancies in our own universities, we cannot actually expect to receive more students from overseas countries to come and learn, so as to promote this policy of educational exchange.

Mr. Speaker, I have travelled quite widely and have been almost round the world. I have come across some of the students who—An hon.

Member is asking me how widely I have travelled. I have been to various parts of Europe and the Scandinavian countries, and so forth, and I have come across students in those areas who come from Kenya and who are suffering hardship which sometimes arises from the fact that the students, just because they believed that by going overseas one would get a better education, left this country unaided and found themselves in trouble in those areas. This sort of inferiority complex, Mr. Speaker, must be eliminated and the only way of eliminating it is to try and get in touch again with all those countries and let them give us teachers, give us the money to build the universities here and the equipment so that we can produce more students with university education and also have the children from those various countries which would be willing to give us this money and teachers to come to our own country, so that they can learn the way we live, the way we behave and also go back with a good or bad impression of what Kenya does or intends to do. We also can send our children to their countries for post-graduate education because I know we do not have the facilities here for post-graduate work.

With these few remarks, Mr. Speaker, I do not wish to take most of the time of the Members here and I beg to move.

Mr. Ngala-Abook: Mr. Speaker, Sir, before I go to the real substance of my reasons for seconding this Motion, I would like to congratulate all those countries that have tried to help us in the past in a small way or in a big way, according to what each country considers to be the most important help they have given to this country. I know very well that we have had aid from the United States for building certain schools in this country. We have had some help from Great Britain in different forms, and because this country was being administered by Great Britain it was only reasonable that we should be helped in this way. We also know that, at the moment we have had in our country here a school known as the Lumumba Institute where a greater contribution has come from the Eastern world, although certain African countries have also helped in bringing about this school. This must be appreciated before the Government is called upon to see sense in accepting this very specific, modern and forward-looking Motion moved by the hon. Member for Butere.

Mr. Speaker, I would like to thank these countries for the help they have given in different ways, and which we appreciate it very much. I also would like to dispel any confusion that is in the mind of the Government as to what this

[Mr. Ngala] the time is even overdue. If it is a question of sending a few girls to be trained in Dar es Salaam so that they can see what is going on in Dar es Salaam, surely three or six months is enough for this? We have so many educated girls in the street with no work. They can be taken there for training immediately and I believe the time can come in six months' time if the Government is determined.

I very much appreciate what the present HANSARD staff is doing and they have done, and are still doing, a very valuable job of work, but even the same girls can be taken to Dar es Salaam for training, the same girls.

The Attorney-General (Mr. Njonjo): They are not training them in Swahili.

Mr. Ngala: I am mentioning Dar es Salaam because Daf es Salaam has taken the initiative and we can ask them to train our girls. If there is any doubt of where they could be trained, we are prepared to accept your girls in Mombasa and train them in Swahili.

The Attorney-General (Mr. Njonjo): Where?

Mr. Ngala: In our Coast Province Secretariat School we can train them. Mr. Speaker, Sir, therefore I thought the Minister genuinely meant that when the time comes we shall not wait for somebody—as the hon. Mr. Kamau says—who will tell us that, the time comes. I hope the Minister will take it as his sole responsibility to say, "Now the time has come, because I have taken the initiative of training the staff," and that training should be started immediately. Immediately, so that we can go about and fix the time. We do not want this to be used as one of the diplomatic language "terms" just to delay this necessary thing.

Mr. Speaker, Sir, the second point is this question of hastening the date. That is very different from fixing the date, obviously, but I can understand the Government's responsibility in "terms". I think the date can only be hastened if training starts. Some Members say they should first go to the University and get a degree in Swahili and then come here. Who told you that you must have a degree to be a Member of Parliament, or have to learn any language? Even in English, how many of us around here have a degree in English? How many? None in the House today. Nobody has a degree, no Member has a degree in English, specifically. There is no Member, Mr. Speaker, in the House with a degree in English as such.

The Attorney-General (Mr. Njonjo): I have

Mr. Ngala: He has a degree in law, not in English.

The Attorney-General (Mr. Njonjo): In English.

Mr. Ngala: I am talking of elected Members. Mr. Speaker, not a nominated Member.

The Assistant Minister for Finance (Mr. Othob Odongo): On a point of order, Mr. Speaker, I do not know whether it would be in order to correct the hon. Member. I do not know whether he is referring to my speech or somebody else's speech, because I did not say anything like that.

The Speaker (Mr. Slade): I do not know either. If you do not know which one he was referring to, you had better leave him alone.

Mr. Ngala: I am happy, Mr. Speaker, in being left alone in this. Some Members have argued that there is no standard Swahili. This has been put right by the Assistant Minister for Education who is responsible for this language and many other subjects, and I hope his assurance will be taken. I have appreciated very much the speech given by the hon. Mr. Kibaki who has said that we must free ourselves from the clutches of a foreign language if we can do so. This Motion is intended to serve us in that, to make us free to express ourselves and our personalities as an African Parliament in our own language. This is the purpose of the Motion. If we say that the Members must first learn the language, the Members can start learning it today. The Member for Majoo-Basis is probably not serious when he says that there must be specific languages written in Swahili. Now we do not have to read these scientific books before we come here, even the ones written in English. We do not have to read them as Members before we come here. We come here to respect the needs of our voters. We do not come here to read what other people, Shakespeare, said in Great Britain. No. We come here to say what the needs are for Homa Bay, as regards dispensaries and so on. Can you read this in Swahili?

I think it is completely misleading the country when we say the Members have to learn it first and books have to be written. What books do you need to write first? Some people say, "Swahili is different, you have the word 'Na juu' and the word 'Na jahumu.'" Now this is a reduction of gross ignorance. "Na juu" is to know, "Na jahumu" is to understand.

Therefore, Mr. Speaker, Sir, Swahili is rich in words and we must use the richness in this

[Mr. Ngala] in expressing ourselves in this Parliament, not even the legal man will have any trouble, nor a scientist, nor a philosopher will have any trouble. Therefore the time has come now and Government must hasten the training. I am not convinced that it is not possible. In addition to this, Swahili must be used by all Members in this House.

Thank you, Mr. Speaker.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT in view of the fact that Swahili is the indigenous common African language in Kenya, the Government to introduce a Bill for amendment of the Constitution, when the time comes, to adopt Swahili as one of the languages for this house and to hasten the date upon which the use of Swahili would commence in the National Assembly.

MOTION

FOREIGN AID: FUNDS TO BUILD UNIVERSITIES IN EAST AFRICA

The Speaker (Mr. Slade): Before calling upon Mr. Shikuku to move this Motion, I would like to point out that there is a slight variation between the Motion on the Order Paper and the Motion of which Mr. Shikuku gave notice: that is, the last words "in Kenya" have been altered now to read "in East Africa". That amendment was made with my consent.

Mr. Shikuku: Mr. Speaker, Sir, I wish to move the following Motion:—

THAT this House urges the Government to negotiate those countries which have so generously assisted in educational programmes by making available scholarships for Kenya youths at their universities and have provided transport for the purpose, to devote their funds instead to the building of universities in East Africa.

Mr. Speaker, Sir, having had a close study of the present standard of education in these three territories, and, if I may say so, in Kenya particularly, I have come to realize we are likely to stay in the same position as we are, for a long time; namely, having very few graduates in this country because of the present system. I do not at any rate, Mr. Speaker, wish to imply that I am against overseas scholarships, but what I am trying to do here is to try and find ways and means whereby we would be able to produce more

graduates in our own country and, at the same time, keeping in mind that education outside the country is also necessary and sometimes very advantageous. But let us not be moved so much by emotions or by an inferiority complex. You find that in the past some of our students have gone overseas not because they felt they were going for higher education there and the educational facilities were much, much better than those in the country, but because they wanted to be able to say afterwards that they had studied overseas and they would be able to tell you, "I was in the United States of America, I was in Moscow, I was in Britain or I was in India." This has been the trend of thinking and you find that there are cases, Mr. Speaker, during the election that some of the hon. Members stood up and addressed the public saying that, "you must vote for me because I have a lot of knowledge because I have been overseas. I was in Moscow, I was in Britain, etc." This is more or less to play on the ignorance of the masses in the country and try to blackmail them into thinking that these people who have been overseas are more intelligent than the people in the country. This is one of the things we must remove from the minds of our young women and men in this country. The fact that we were not independent at that time and that we did not study overseas does not mean that we were all that ignorant, and the fact that the people who governed us happened to come from outside this country does not mean that they were wiser than us, because if they were they would not be out of the country now, we would not be in power today and this is the time, Mr. Speaker—

The Attorney-General (Mr. Njonjo): What sort of reasoning is that?

Mr. Shikuku: Mr. Speaker, I hear the Attorney-General asking "What sort of reasoning is that?" If he cannot see that reasoning, then it is just too bad. This is the Butere style of reasoning.

One of the points Mr. Speaker, I would like to raise here, is to try and clear up that inferiority complex which now still dominates our youth here. They must understand that we want education for them and that education is not only obtainable outside this country, we have as good education as those outside the country—we have our independence just as those countries are independent—and we could also do that, Mr. Speaker, by inviting some of the students from the United States, Britain, Moscow, or any part of the world to come and study here, so that our youth here could realize that we are

[The Assistant Minister for Economic Planning and Development]

been done is to say that we require time to prepare ourselves for the introduction of Swahili.

Let me also add, Mr. Speaker, that one of the reasons I am supporting the introduction of Swahili here is that it would enable us—and I am sure most Members here would agree—when we have new elections for this nation and we should be able to have some of the very wise old men of this country who cannot speak English through no fault of their own, but who have a tremendous amount of wisdom to contribute here and who we know are firmly committed to the integrity of this nation and will not be easily moved by new borrowed slogans from the external world. These old people, these elders of the nation, ought to have a chance, Mr. Speaker, to participate in the deliberations of the National Assembly.

An additional reason, Mr. Speaker, why I support this amendment is that in this country there has—as one hon. Member did say, my hon. friend from Karachuonyo—I think he has gone out—been a tendency in this country to have too much pride, too much arrogance to be associated with foreign ideas, foreign inventions, including foreign languages. Indeed, we shall continue to have this foreign orientation in our culture so long as we do not have a language, local indigenous, which ranks at least as high as any of the international languages which we would like to teach in our own schools. I would like to approach this problem in that manner, that we are not exclusive but at the same time we would like to re-establish the culture of this nation, we would like to re-establish the respect of the language. This is where the foreigners come in, because as it is now it is in the attitude of the immigrant communities of this country, particularly including those who today are very loud in their daily protestations that they are committed to this nation and want to identify themselves with Africans. But you will find, Mr. Speaker, they have the most derogatory approach or attitude towards Swahili. They in fact do not even attempt to learn it, yet I know that immigrants who move from one nation to another in the Western world or the Eastern world, as soon as they have settled in their new country, make every effort to speak those languages. You find, for instance, Italians migrate to America, or Italians migrate to Germany. Right now, in fact you have more than a million Italians in Germany, but within three months of their being there—because they recognize the dignity of Germany and the language of Germany as the language of the Germans, and because they want

to live there and be accepted, they make every effort to learn that language—they speak it fluently, because they make a deliberate conscious effort. But in this country, because of our colonial history of domination, particularly cultural domination, it has been the attitude of mind of the immigrant communities that Swahili is an inferior language, and with it, of course, they include all the African cultural associations of indigenous languages as being inferior. So this is a most important reason why we must introduce Swahili, not just here, but throughout the nation.

This leads me to the final point I want to make, Mr. Speaker, that it is not enough for us to pass the Motion here. It is going to be a conscious effort on the part of everyone, including the Members of this House, to make Swahili the medium through which they themselves want to express themselves. We are not going to deceive ourselves because we know many Members who themselves may have accepted the cultural domination of foreign languages and who we know think that it is a matter of pride to speak in English even to a village audience. I have myself witnessed it.

Mr. Speaker, it must therefore start with the Members of this House—if they really want it that Swahili should become the proud language of this nation—and when they go to speak at any functions they themselves should begin to speak in Swahili. In this matter we have had effective leadership from the Father of the Nation who on so many formal occasions insists on speaking in Swahili, and if there is need to translate for a minority of people to understand it, then there is translation.

So, Mr. Speaker, let us not have the usual words from the Members here and then forget them as soon as they go home. Let them make a conscious effort to liberate themselves culturally from the domination of foreign languages.

With these few words, Mr. Speaker, I support the amendment very much.

(Question of the first part of the amendment, that the words to be left out be left out. proposed)

The Speaker (Mr. Slade): It is nearly time for the Mover to reply. Anyone who speaks now can speak generally on the whole question.

The Assistant Minister for Finance (Mr. Okedogodo): Mr. Speaker, Sir, I would have liked to have spoken on this amendment for a little while, but in this very little time, I guess I will have to go a little faster. I think that the points have been made very ably both by the Mover

[The Assistant Minister for Finance]

and also the Mover of the amendment to the Motion. This is a continuation of what we have heard recently, as the Mover of the amendment made clear, and what our President has said during the time of independence and also during the time of getting the Republic status. Recently our President did say something also to us again as Members of Parliament when we had a little problem some time back with regard to foreign ideologies. The President did say something on this. He said that the most important thing was to find out who you were and what you wanted and what kind of people were we. I think this is a point which was made very clear and ably explained by the Mover of the Motion. First of all, that the people of Kenya should identify themselves and know themselves and know who they are and their culture and what they want. When this is done then we can always look at foreign ideas with courage and with discrimination, taking what we want and leaving out what we do not want.

On these points, Mr. Speaker, Sir, I think Swahili plays a very important part because, being a language, and language being very important to culture, this language is something which arises from the cultural environment of the people; how they live, what they value and the things they say are generally reflected in the language which the people speak. In this case, Swahili would play a very important role. It does play a very important part in helping us identify ourselves as people of Kenya and know our faults so that we will be prepared to face new ideas which come from different parts of the world.

Mr. Speaker, Sir, I will say that in this case we are very likely to have Swahili. As was pointed out by my colleague, Mr. Omolo Agar, Swahili is not spoken by one particular tribe. Therefore by introducing it, no one can complain that a certain tribe is being given an advantage.

This is very good and this is a problem which other parts of Africa have. As Mr. Omolo Agar said, they have it in India; in West Africa they have the problem of having no common language, except in some parts they have what they call "pidgin English" which did not develop in this part of Africa. They have big languages like Hausa, for instance, in Nigeria, but this is spoken by one people and therefore it is very difficult to make it general. We are at an advantage to have Swahili, which we have to develop.

Now, I support the amendment because, as has been ably pointed out, we need time to learn Swahili and to speak it well. People must know that in order to think clearly they must be able to speak a language well, because to express your thoughts, you have to express them in language, and if we are going to express our thoughts clearly in this Parliament and in this country, we must learn the language.

Finally, Mr. Speaker, I would say that the East African University must create a chair or establish a faculty for Swahili so that a person can take B.A. honours in Swahili, up to the M.A. degree in Swahili, up to Ph.D. in Swahili, or other African languages. This is being done in America, is being done in England. There is no reason why it should not be done here, and this would encourage people to study the language and know it.

With these few words, Mr. Speaker, Sir, I do support the amendment.

The Speaker (Mr. Slade): It is now time for the Mover to reply so we must dispose of the amendment.

(Question of the first part of the amendment, that the words to be left out be left out put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed put and agreed to)

(Question of the Motion as amended proposed)

Mr. Kamau: Mr. Speaker, on a point of order, Sir, I would like to seek your guidance to know, as the Motion has now been amended and accepted, whether, as the timing is now left, when the time comes who shall tell the House or the public that the time has come now to use the language.

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

Mr. Ngala: Mr. Speaker, Sir, first I would like to express my gratitude for the interests that the Members of the House have taken in this Motion, and also, particularly, to thank the Assistant Minister responsible for this Motion who has expressed the amendment in a manner which I understood. I would like to say that I accept the amendment of the Government. In accepting the amendment of the Government, I would like to make two or three points very clear. First, the Government says, "when the time comes". Now I hope that the Government, because using tactic on the part of the Government, because I believe strongly that the time has already come,

[The Assistant Minister for Education] various localities in the standard of Swahili where people speak in their own mother dialects.

I do not know who is the Minister who is going to reply on this Motion but I believe it is very important that perhaps a date should be mentioned when we shall start Swahili here in this House so that the people around the country will know and understand what we say.

With these few words, Mr. Speaker, I support the Motion.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I am speaking on behalf of Government in this Motion and I welcome very much the sentiments expressed by the various Members of the House. I have the feeling that the majority of the Members present favour the introduction of Swahili as a language of this House. As you will remember, the President of the Republic when he spoke from the Chair for the first Parliament of the Republic of Kenya, promised that Swahili would one day become the national language. He did also go further and for a time spoke in Swahili. So there is no question here now of the Government deciding whether or not Swahili will become a national language. The President of the Republic decided for us and we are committed to accept Swahili as the national language.

What is more, our people outside would prefer as a matter of national pride that we speak Swahili in this and the other Chamber. The Government recognizes that Swahili is the lingua franca for Kenya and, indeed, for East Africa. We recognize that it is a means of communication between the various tribes of the whole of East Africa, a part of Central Africa, the Eastern Congo and, for that matter, even Katanga. We notice that even when that notorious man called Tshombe came here we were able to communicate through the medium of Swahili, rather than in French because then, of course, we would not have known what he was talking about.

So, there is no question about the importance of this language. It stands as a unifying force here in Kenya. The real reason we feel a nation in this country is, basically, because we can communicate with one another quite easily outside; I am not speaking very much about those people who can speak English, I am talking about those people who cannot.

The hon. Member for Majengo-Bassi had to have an interpreter to translate from Kisii Swahili which I imagine would be a tricky situation for any man.

We do feel there is a form of Swahili which we could call more or less standard and in Tanzania they have done a lot of work to try and standardize the form of Swahili spoken.

We, here, in Kenya are engaged in a programme of teaching Swahili in schools and what is required is more time for the increasing of this programme throughout the schools and also for standardizing it. You will never see a day—I do not believe—when everybody in Kenya will speak the same vernaculars in the villages.

In England there is such a dialect as Cockney, there is such a language also in Scotland, and there is also that brogue which you have in Ireland, and everybody knows how they all speak. They all speak English, but everybody knows that there is a standardized form of England. I am not saying that the standardized form is the Cambridge or the Oxford form, but I am saying that there is something which you could call English as spoken by an Irishman, and down the British Isles. Now that is the kind of thing which we would like to see here. We would like to see Swahili accepted in a standard form, so that those who come from Kenya will continue to speak Swahili in their own areas, but I have never heard about this which the hon. Mr. Ngala spoke about, but I have heard of it in Britain. I welcome this new language, the Misihehenda language, but I do not welcome it in this House. Although the hon. Mr. Ngala, the Mover of this Motion, promises that he is going to speak standard Swahili here, he must allow us then to educate ourselves to the new form. We acknowledge the fact that Swahili is used even between the African people and the immigrant community. We have also heard of the Kijichen Swahili, you know that Swahili one speaks with an English accent, or with a dialect, now that type of Swahili we hope will remain in the kitchen. So, Mr. Speaker, Sir, we cannot deny that we want this, but the Members here must recognize the practical difficulties involved.

Mr. Speaker, Sir, only the other day we had one problem where a certain palatynist went away to be married and we were completely bogged down, and the Senate had to adjourn. Now we might easily be bogged down again if we introduce Swahili in a hurry, because I do not think that any of the girls, with all due respects, up there can record in Swahili as it is needed, and it is only fair that we should give them sufficient time to become educated in Swahili. This does not mean that they are not educated as it is, but to learn Swahili in the manner that they can use it for their palatynist duties. Now that is one point which explains the

[The Assistant Minister, Vice-President's Office] difficulties. We also need time for the evaluation of the Swahili programme which the Ministry of Education has set up.

We understood from the Minister that he is finding it difficult to get Swahili teachers of the correct type and there was even a suggestion in this House, that people should be brought from Tanzania to teach in the Kenya schools. I do not have any objection to teachers coming from anywhere provided that they know and can teach the form of Swahili which the Minister for Education calls standard.

So, Mr. Speaker, Sir, by and large I am sure the Members will recognize the practical implications of introducing Swahili as a medium of communication in this House. But I promise that we will introduce Swahili as soon it is technical to introduce it in a form that we like.

So, Mr. Speaker, Sir, I would like to propose, with your permission, to amend this Motion so that it will now read:

"In view of the fact that Swahili is the indigenous common African language in Kenya, this House urges the Government to introduce, a Bill for the amendment of the Constitution when the time comes to adopt Swahili as one of the languages for this House and to hasten a date on which the use of Swahili would commence in the National Assembly."

In that form, Mr. Speaker Sir, the Government would be more than glad to accept the Motion. I beg to move.

The Speaker (Mr. Slade): Who is going to second?

Mr. Shikuku: Mr. Speaker, Sir, on a point of order, is it in order for the hon. Members to stand up and each of them shout that he is going to second?

The Speaker (Mr. Slade): It is common, on moving a Motion for the Mover to choose his second. In that case we respect his choice; but an amendment it is not so common to choose his second, and in that case I choose the first man who said that he was going to second, and it was Mr. Kibiki.

The Assistant Minister for Finance (Mr. Okelo-Otongo): On a point of order, Mr. Speaker, Sir, this is not with any criticism of you, but you are ruled, some time ago, that the Mover of the Motion generally arranges with the second and in this case I have asked my colleague here outside and I had the understanding that I was going to be second, and that is why I seconded.

The Speaker (Mr. Slade): I must say that I do not as a rule accept any formal arrangement for seconding an amendment, unless I am warned in advance.

The Assistant Minister for Economic Planning and Development (Mr. Kibiki): This has been very embarrassing indeed and for the first time I agree with the Member for Butere. Mr. Speaker, Sir, I did not realize myself that there had been an arrangement for the seconding of the Motion, but it just sounded to me, as it was put forward, that it was a reasonable amendment and I thought that I would speak on the amendment so I apologize if I have inconvenienced anybody.

Mr. Speaker, Sir, I think the reasons for the amendment have been amply put forward by the Assistant Minister in the Vice-President's Office. What I would like to add is only one note of warning because some Members here have tended to speak in the usual nationalist sentiment that they wanted Swahili introduced into the National Assembly trying to promote our own nationalism. This Mr. Speaker, Sir, is one good fundamental reason, but I am one of those people who insist that every nation, which wants to be progressive cannot afford to adopt reactionary nationalism. We want Swahili, as my hon. friend has said in moving the amendment, we want this because it has been the main unifying factor in this country, and therefore we want to promote it even further. We want therefore, Mr. Speaker, Sir, that there should be a common language in which we can all communicate, a common language which will be used by every layman. A common language which every child in this country ought to speak from the time it starts to speak, and does not have to be taught in schools, and because that will be the moment when the people of this country will be as one from the moment they begin to speak. Now, Mr. Speaker, Sir, that is why we want Swahili. But, Mr. Speaker, Sir, if one has to use Swahili, other languages are absolutely necessary in todays age, no country, anywhere, can afford to promote merely one language; the tendency today in the old world is for the nations to teach their citizens more than four languages.

Therefore, I believe the Member who did move in good faith this Motion and who finds that he is supported by the Government, accepts that we would like to be properly prepared for the introduction of Swahili to the National Assembly. I do believe, Mr. Speaker, that he would not find much difficulty in accepting the amendment because his Motion is not rejected. What has

[Mr. Anyieni]

Swahili and wants to speak to me in English. If Government wants to support this Motion it must be realistic. To be realistic Government must now say that in our schools, from Standard I onwards, our children must be taught Swahili as one of the compulsory languages. There is no point in Members coming to this House to support the English medium and at the same time demand that Swahili should be used in this House. After all, Mr. Speaker, Members who are elected to this House are people who have some education. So, if Government intends to support this Motion it must say that we must have about fifteen years, that it will start from about 1966 to teach Swahili in schools, from Standard I upwards. The potential members who will later be Members of this House will have about twelve years to attend secondary education. This will require about twelve years in secondary education but Sir, there is no point in anybody saying that in schools Swahili should be left aside and when we come to this House we insist on speaking Swahili.

Mr. Speaker, some of the hon. Members are of the opinion that we should use Swahili in this House, like my hon. friend, Mr. Agar who is in favour of it. How many Jaluo can speak Swahili? If you listen to a Jaluo speak Swahili you will find that he speaks it the Jaluo way. If you listen to a Kikuyu speak Swahili you will find that he speaks it the Kikuyu way. We do not want that here. In Tanzania, for example, Sir, the people use Swahili even in the Parliament but you will find there that the father and mother of a child come from the same tribe and at home they speak Swahili. You can go anywhere in Tanzania and you will find that even women who have no education understand Swahili. They teach their children Swahili.

Mr. Speaker, the Member who moved this Motion does not speak the Swahili of his people. The people of Mombasa, for example, speak very bad Swahili. They say *nil*, *nita* meaning *nchi* and *nchia*. That is not the kind of Swahili we want to hear in this Parliament. We must have a standard of Swahili before we can allow our Parliament to speak Swahili. We do not want some Members speaking Kikuyu Swahili, others speaking Jaluo Swahili, we must have a Swahili of a certain standard so that everybody will understand it.

I would have liked to support this Motion and I would have wished that the hon. Member who moved this Motion would have moved instead of us having the medium of English in schools we should have Swahili so that this language would

be taught in all schools, so that all the Members who come to this House will be able to speak according to a proper standard of Swahili. I can hear a certain Member here saying "honnese" but there is one thing we should remember. We must be honest with ourselves. I attended a meeting near Kisumu in Swahili quite recently, but what was interesting was that I had to obtain the services of a Jaluo to translate my Swahili to Jaluo Swahili. There is no standard Swahili which we can use. So, if we say that we are going to have Swahili in this House, the hon. Agar must first of all say that Swahili must be taught at schools for a start. When we have a certain standard of Swahili then we can say that we will come here and speak Swahili. Otherwise, if I come here and speak in my own Swahili the people will think that I am saying one thing while I am saying quite another thing.

The other reason why Swahili should not be introduced in this House is this. The reason why we have a problem in our country today is because many people do not want to read. When we are told of American capitalism they do not understand that and that is because they do not want to read. When we are told of communism they do not understand even that because they receive this information from other people. Have we any books in Swahili with which to educate our people? Is this House going to have people who do not understand anything that goes on in the world, people who understand only what goes on in Nairobi? Is Kenya an island? How many books have we in Swahili on science, economy and so on? We must have these books written in Swahili so that the people will understand what they mean and the people will not be regarded as uneducated because they cannot speak Swahili.

The hon. Mr. Agar said that people regard a person who cannot speak English as an ignorant person. That is true, because the medium of knowledge is English. This is not Anyieni's choice, it is something we have attained from the colonial days. Most of the books we have today, the examinations we have to pass are all in English. If all the papers in schools are written in Swahili then we shall be able to support such a Motion. But there is no use in asking for it right now. Let me give you an example. My mother goes to sell maize to, maybe, Konchellah's mother. My mother speaks the Kisii Swahili and Konchellah's mother speaks Masai Swahili. They do not understand each other except by using their fingers in explanation. That is not the way we want to do things in Parliament. This will lead to confusion. If the hon. Member who moved this Motion thinks that we are going to use the

[Mr. Anyieni]

Swahili which is refused he is wrong. He does not use the Swahili of Mombasa. In Mombasa they do not speak the Swahili any hon. Member speaks. The hon. Member speaks some form of perverted Swahili and I think that is the Zanzibar Swahili.

Mr. Ngala: On a point of order, Mr. Speaker, I rise for your guidance. In my speech I made it very clear that what I was intending to put forward was in favour of a standard Swahili. Is the Member, therefore, in order to assume that I did not say that in my speech?

The Speaker (Mr. Slade): You are quite right in saying that you were advocating a standard Swahili.

Mr. Anyieni: Mr. Speaker, is this House now going to decide the standard of Swahili, the standard of Swahili which is going to be taught in schools? Government has no standard of Swahili. My standard of Swahili will be Kisii Swahili. Is this the standard of Swahili that is to be adopted? I maintain, Mr. Speaker, that this should be something around the country and in schools before we come to this House otherwise we shall have people coming here and saying, for example, "ni na jua" while others say "ni na jakumu". If you go to Mombasa and say "ni na jua" they will think you are using bad language. We do not want this sort of thing here in Parliament.

I do not know who is going to reply on behalf of Government but I feel the Government should say it accepts the Motion and the date set should be 1967. Then, from now on the Kenya Government should start teaching the children Swahili so that when they come to this House they will be able to speak good Swahili.

With those few words, Sir, I beg to oppose the Motion.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I am speaking as the Member for Yatta, an ordinary Member of Parliament; I am not speaking as the Assistant Minister for Education.

It is true we require Swahili to be spoken in this House and also around the country. It is also true, Mr. Speaker, that—

Mr. Shikuku: On a point of order, Mr. Speaker, looking at our clock and at our various watches I reckon that the clock is ahead of time. Could it be set right?

The Speaker (Mr. Slade): Mr. Anyieni mentioned this point yesterday. I do not think it is

a point of order. The fact is that, when the House is sitting, we go by this clock; and whether it is two minutes fast or slow will not make any difference, because it still measures the time, and this guides us in the conduct of business here.

Mr. Anyieni: On a point of order, Mr. Speaker, when we say that this clock is all right it is only all right for business in the House. If we, Members of this House, do not mind about the East African time how will anybody else mind about the time? You will find, Sir, that some Members say, Parliament open at 9 o'clock, I still have plenty of time to get there, and they may be a few minutes late. So you may not have a quorum at the commencement of business. That is why this clock should be put back to East African time.

The Speaker (Mr. Slade): We try to keep the clock according to East African time, but we do not always succeed. It is just one of those things. If hon. Members chose to be here a few minutes before time they would then be able to see what our clock says. We cannot discuss this point all over again.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I will not take up much time on this Motion as Members seem to be worried about the time.

All that I want to say is that I totally disagree with my hon. friend who has just sat down on the points he has made, because his arguments are that there is no standard Swahili in the country. I quite disagree with him because he has already indicated that he passed his school certificate in Swahili and I would, therefore, assume that he knows very well that that is the standard Swahili which is taught throughout the country. The teachers who are recruited in my Ministry and those who teach Swahili, as appears in the curriculums and syllabuses, do so according to the programme and subjects laid down to be taught in Swahili.

Therefore, it is true that just as much as we require to speak English here and also Swahili, a time must be given as to when this should start. I would assume that when we make a decision here and say that Swahili should be now spoken in this House then the people in the country will know that now the Kenya Parliament has made a decision on this and they will start learning Swahili. Every person will make the best effort possible to learn and speak Swahili. At the moment people cannot speak Swahili because they think it is not important and they are waiting for this Parliament to authorize and make it known that people should speak Swahili. This is why you find there are differences between

[Mr. Mata]

languages. I am from Meru. Mr. Speaker, but I received my education in Kikuyu. I am proud to say that I passed with flying colours because Meru was not very favoured with schools at that particular time.

My second language at school was Swahili, my third language was English. I know four languages: the first one is Kimeru. Mr. Speaker, my point here is this: that any Member here from the remotest part of Kenya with diverse language differences, such as the Bantu and the Nilotic, can always learn two or three languages. It is not true to think that my hon. friend, the Member for Kilifi South, has advocated this policy because he comes from near Mombasa. His own language is not Swahili but he can learn Swahili like anyone else. So, Mr. Speaker, I would like the House to dissociate themselves from the idea that it is the language spoken by the people living in a particular part of Kenya.

Mr. Speaker, with all the literature that we have written in Swahili, the vocabulary, including important words like *Uhuru, Katiba, Bunge, Sheria, Ambre*, with all these popular words that have come up naturally as we neared our independence. I do not think that Swahili is any poorer than English as far as governmental and commercial deliberations are concerned. Also, the emotional appeal, the pride, the logic are so important to Kenya that it is high time our Government implemented one of the election pledges that Swahili would be made a national language as soon as possible.

Mr. Speaker, I feel that adopting Swahili as a national language is another very important stone in the national rebuilding of Kenya and I feel, Mr. Speaker, the only problem we have here is to remove prejudice in the minds of hon. Members or any other people of Kenya who still have it in their minds that Swahili is a second important language. I do feel that hon. Members here might be afraid that if Swahili became a condition for membership of this House, they might lose their seats. This is flying too far from the facts. No particular Member here conducts an election campaign in his constituency in English or Swahili, he does it in his own vernacular. Yet, in spite of the paper condition that you must have a certain standard in English, every election campaign is conducted in the vernacular. I can still appeal to the Meru people for a seat here in Kimeru any time, anywhere, and get my seat without all this trouble or fear. So, Mr. Speaker, if my friend, the Member for Kiharu, can convince me that he obtained his seat in the House through the English

medium, I would be only too happy. My point is that Swahili should be the national language and it will not affect the possibility of a Member being returned to this House. All it will require will be for Members to brush up on their own vocabulary a little and for lawyers and Government officials, who have to do important documents, to employ further Swahili and get the experts we need.

So, Mr. Speaker, I feel that in supporting this Motion we are only moving ahead and the Government should be only too willing to give us a date when Swahili is going to become the national language of Kenya. Mr. Speaker, I beg to second.

(Question proposed)

Mr. Agar: Mr. Speaker, Sir, I also rise to support this Motion which I feel is very timely and, Sir, any Member who challenges me as to whether I do or do not know Swahili should wait for a time outside this House or in front of an audience and see what we can do with him.

Mr. Speaker, Sir, one of the things which encouraged and compelled us to fight for independence was to return the African dignity in our culture, languages, customs, traditions and history, and after independence we must embark vigorously on recovering and reconstructing the African dignity and tradition. It is no good, Mr. Speaker, Government and the people of Kenya feeling complacent, continuing to subject themselves to the old psychology of respecting all that is foreign. It is very dangerous. Mr. Speaker, that even at this particular time the ability of an African is still measured as to whether he knows a European language. It is a shame that my intelligence when I want to get a job in the Government or in a company is weighed in accordance with my knowledge of English. The two things are not connected at all. Even if I dress well at a party and people discover I cannot speak English, they just ignore me. So even if you are elegant in the way you dress, unless you are competent in the English language, people look down upon you.

Mr. Speaker, Sir, this thing goes too far. I have noticed outside among the Africans that a girl or boy will even refuse to fall in love with one another because he or she does not speak English.

The Speaker (Mr. Slade): Mr. Agar, we do not often have love affairs in this House.

Mr. Agar: I am bringing varied examples, Mr. Speaker, because our people must be helped to respect their own languages, their customs and

[Mr. Agar]

their traditions, and this is why, as I have said, we fought for independence, because we were being cut off at the roots. Our languages, our customs, our history are our roots, Mr. Speaker, and it is obvious that unless the African race goes back to grow from its own roots, the African race will never get anywhere.

Mr. Speaker, the reason why I am supporting this Motion is that in Kenya we are lucky, there is no problem of grumbling or one tribe saying that a language is being introduced into the country which is spoken by only one tribe, and as a consequence that tribe may have advantages. A Member brought the example of India. If the people of South India are fighting against Hindi, one can appreciate that because you hardly find anybody speaking Hindi in South India they find an absolutely different language with a lot of difference in their background. But as far as Kenya is concerned, Swahili has become so popular, so widespread that no particular part of Kenya will say Swahili is strange to it. I can say that the Hamitic and Nilotic groups would find it a bit strange, but already Swahili is so popular that Kisumu itself has found its own dialect of Swahili and you can hear Nandis talking it in the Rift Valley.

Mr. Speaker, Sir, we also want to bring the African personality on to the international scene as one of the ways to popularize the African tradition, the African way of life, the African personality is to promote certain popular and important languages. There is no reason why we should not, ourselves, become the beginning of Swahili ascending to a higher position as one of the world languages. If the Government adopts it officially here and in the offices and in the Parliament, we know that it will be taught in schools, in the universities, and, consequently, it will spread to overseas schools.

As an hon. Member mentioned, Mr. Speaker, Tanzania, promptly started to use Swahili in its National Assembly, and as some of us who have attended it have seen, the system is running very smoothly. Members who feel they cannot express themselves in Swahili are allowed to express themselves in English, and the system is introduced so that both languages can be recorded properly. But I think, as the Member suggested in his Motion, that the Government must indicate a date or a time when this thing should be done. We are not going to be satisfied with a mere promise, as the President promised that Swahili should come; we want the date so that we can prepare for that time. As the

proposer said, Mr. Speaker, if an essential person in this House, like Mr. Speaker, may not have come up to the standard required to conduct the business of this House in Swahili, then he will have time to do so; he will know he is racing against time to come up to the standard. We want the date to be set when Swahili will commence to be used officially in this House.

Mr. Speaker, Sir, there is always the danger of the Government of Kenya feeling complacent about certain cultural and social matters. We have argued that there should have been a Ministry of Cultural Affairs in this country and one of the ways in which a nation can marshal its energy is for the Government to initiate certain activities which make the people feel proud of their achievement within the country. If a young man from the United States or from England finds that he excels or shines over other people who were educated in this country, simply because he speaks a foreign language, and consequently when they go to compete for a post or for something which you take by ability, intelligence or by knowledge, the boy who is educated locally finds that he falls in English and therefore he is left out, then we kill the spirit of Africa. That boy educated in English or in America may get to know much about England or America, but he does not know what is happening in Kenya. Therefore, Mr. Speaker, to enhance the growth of our nation and to encourage our boys and girls to learn local things and to acquaint themselves fully with what is needed for the African nation, we should encourage Swahili and, as this Motion says, the Government should make a start by introducing it into this House as the official language.

Mr. Speaker, I beg to support.

Mr. Anyeleh: Mr. Speaker, I should have liked to support this Motion but I have reasons why. I think this Motion cannot be accepted at this stage. The reason is not that I am unable to speak Swahili. Many of the Members sitting here have no certificate to show that they know Swahili but I am one of those who has passed Swahili in my school certificate. However, Mr. Speaker, this House is not supposed to start things which are not understood around the countryside.

Today, Sir, Government has introduced the medium of English in our schools and as a result you will find that even my son who is at present in Standard I, who was speaking Swahili when he was in nursery school, now looks down on

[Mr. Ngala] home, I do not use English. I use my own language.

The Assistant Minister, President's Office (Mr. Nyamweya): Which is that?

Mr. Ngala: I use my own language. It is not Swahili. I use a language called Mijikenda.

The Assistant Minister, President's Office (Mr. Nyamweya): It is a primitive language.

Mr. Ngala: A Member is saying that it is a primitive language. This Member is a victim of the colonial attitude. This is the mother language of the people so I choose to use it among my family members. I feel more at home with my wife and children and everybody when I use my own language. Of course, I have daughters and sons who are in high schools and colleges. They know English, but I do not want to be bothered with English. I talk to them in my own way and in my own language.

Mr. Speaker, this is a very important thing. We, in the Coast, although we have different tribes of our own and languages of our own, throughout the Coast Province, have adopted Swahili as the official language. In all our schools we use Swahili, we teach it and use it in all our schools, although there are different languages such as Kiteitā, Kipokomo, Giriama and other languages. We have therefore adopted Swahili as a lingua franca for our own province. The nation should do the same so that we can all use Swahili as our national language.

Mr. Speaker, Sir, if by not using Swahili in this House we are debarring good people who could make useful contributions to this House, I think we will be making a big mistake, a very big mistake. Who told us that if a person cannot speak English he cannot be a good Member of Parliament? Where did this idea come from?

The Assistant Minister, President's Office (Mr. Nyamweya): You did.

Mr. Ngala: Who told us? Now, if I did, if I am responsible for all that is included in the Constitution, as the Assistant Minister is implying, then I am now wanting a change. If you go by that, I am sure you will accept the need now for a change. I am sure that it was during the old colonial days when the people here—the white faces mostly—did not understand Swahili. But you cannot tell me that there is any person around here who cannot speak Swahili. Even the Speaker can understand and speak Swahili. I am sure, Mr. Speaker, Sir, you can do a little bit of homework over one week-end and master the language.

Mr. Speaker, Sir, the President himself on the 14th December, when delivering a speech here, the President, Mzee Kenyatta, said we must as soon as possible use Swahili in the National Assembly so that we can enhance our integrity as a nation. This was the President himself on the 14th December last year. That is sufficient assurance to me, but look at the Motion, I was a date fixed to adopt Swahili. If you can stand up and tell me the date on which the President's own speech will be implemented as far as the introduction of Swahili in this House is concerned, I will be happy and satisfied. That is what I am trying to get across in the Motion.

What are the possible motives for refusing to object to this? It is an obvious thing, as African Member of Parliament asking an African Parliament to adopt an African language. Can you say no to it? What are the possible objectives? Some Members may say, "If Swahili is used, I will not have the chance of coming back to the House." Do not worry. If the constituency sees that there is a better man than you in the location, they had better bring that man forward to the House. Therefore let us not use selfish motives in thinking about this. We must express our feelings more naturally by using an African language. I am sure that if this was adopted in the House today, there would be many Members who would prefer using Swahili than English in the present House, because they would be in a position to express themselves better, and put across what they want to other fellow Members of Parliament more effectively.

I must make it quite clear that there may be some people who are giving us lip-service about Swahili but we must be sincere. We must remember that if we want to have our own nation, Swahili must be used widely, even in our own constituencies, in schools. It must be taught and used widely. I would urge Members, when they get back during the week-end, this time to start the campaign of asking their voters to use Swahili throughout their constituencies.

The Assistant Minister, President's Office (Mr. Nyamweya): They do not know it.

Mr. Ngala: I am not convinced that they do not know it. I am a person who has moved and held meetings in all parts of Kenya. I have been to Kisii several times—I do not know—we have used Swahili all the time and people have understood us. It is the language. Are you prepared against this language?

The Assistant Minister, President's Office (Mr. Nyamweya): No.

Mr. Ngala: For what reasons should we be prejudiced against a language? I want to make it clear, Sir, that I am suggesting Swahili as an alternative language, as a second language, if you want to the National Assembly. I am not saying that it should be the only language, but we should be given a chance to use this language. We should encourage women too, to come to this Parliament, most of the elderly intelligent women who can effectively work in Parliament and who can speak Swahili fluently, do not know English. They should be allowed to come to this House.

I am quite prepared to resign in favour of any person who is better than myself who can speak Swahili. I do not have to stay in this House to earn my living, nor do I believe that Kenya will go to the dogs if I am not in this House. Therefore, do not think that I have any fears. No, I am introducing this sincerely as a language of Africa which should be used by African Parliamentarians as other countries are doing and we should stop using an imperialistic language which should be put to the side.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): Who seconds?

Mr. Kamau: Mr. Speaker, Sir, I—

Mr. Ngala: On a point of order, Mr. Speaker, the hon. Member is not to second.

The Speaker (Mr. Slade): Who claims to be the official Seconder of this Motion?

Mr. Ngala: The hon. Bernard Mate.

Mr. Kamau: On a point of order, Mr. Speaker, is there any formality on any Member seconding, or can any Member second a Motion?

The Speaker (Mr. Slade): It is customary for the Mover of a Motion to arrange with one particular Member to second a Motion with him; and that is the Member upon whom I like to call to second.

Mr. Mate: Mr. Speaker, Sir, in supporting and seconding this Motion, I feel that the Mover made the point that we need a national language here in Kenya and that Swahili would only be a second language. Mr. Speaker, Swahili is the language of the people in Kenya. The people of Kenya are appealed to in Swahili and I know that there is no hon. Member here who has any doubt as to the importance of Swahili. I am going to try and show that any fears this Government might have in accepting the Motion would be very shallow and false.

Mr. Speaker, the majority of people who come to listen to the debates in this House do not know English. They are part of the Republic of Kenya and whether or not they come here to listen or to see, it is important that those who come understand. I feel, Sir, that this House is not an English testing house. I feel we are denying Kenya the opportunity of taking a very important step forward in insisting that anyone who comes here must be able to speak English in an independent country. English could very well be a classroom language, commercial language, and, in any case, any person can learn two, three or more languages.

Mr. Speaker, in Kenya we use Swahili in commerce, in the bazaars, in the day-to-day life, in the Administration. African provincial, are missionaries and district commissioners, today, are using Swahili and not English. When they go to bazaars and various places they speak Swahili; it may be a colonial habit, but I think there is something in it.

Mr. Speaker, on the Voice of Kenya most of the programmes and music announcements are now done in Swahili for the majority of the African people in Kenya.

With regard to the Press, Baraza is more popular than the *East African Standard*; *Taifa Leo* is much more popular and more important to the majority of the African people than the *Daily Nation*.

Mr. Speaker, in schools here in Kenya where the Ministry of Education has been doing what I call "Kugugungu" the language, the Government has seen fit to reintroduce Swahili as one of the subjects to be taught, rather belatedly, but I believe this is a colonial mistake and not the present Government's.

Now in the public meetings here in Kenya, Mr. Speaker, the lingua franca is Swahili. Any Member who comes from Kisumu to address a meeting in Meru speaks in Swahili and Members coming from Narok to address a meeting at Githunguri speaks in Swahili. So, Mr. Speaker, it is so obvious that I cannot see why we should spend so much time trying to convince this House that Swahili is important. For those who feel that Swahili is not a scholarly language, I believe one can take a degree in Swahili at London University today. I think that this is an African language that is so practical and so dear to Kenya, and any so-called scholars who feel that their knowledge of English gives them a better place as a citizen of Kenya, should realize their duty and give Swahili the credit it deserves. Mr. Speaker, Sir, I will give an example here of the facility with which a person can learn several

[Mr. Lorema]

wants. Also if at all we do not have the experts who negotiate on this matter then it might make things difficult, because as my hon. Member said these people have paid their taxes right from 1931 up now and this money has not been returned to them in any form, socially, or in the way of health or anything. Where is this money? Nobody knows. A lot of cattle has been taken—confiscated—and where these went still nobody knows.

Now, Mr. Speaker, Sir, I would like also, when the negotiations are taking place, it to be on a fifty-fifty or zero-zero basis. Also, Mr. Speaker, Sir, what makes this Motion so urgent is the security. When I was formerly introducing this Motion, I said that these people were afraid about their position, in fact most of them come to Kapenguria and tried to take some sort of refuge. I think, Mr. Speaker, Sir, that it is wrong. You find in our own homes. Mr. Speaker, Sir, that there are eight to ten people living there and when you ask them why they come here, they turn round and tell you that they are so insecure and that they have just come to live with their brothers here until the situation improves. So, Mr. Speaker, Sir, I would like the Government, while they agree with the Motion entirely as it is amended, to look on this question of security. These two points—peace and security—are the things which are going to lay heavy weight upon it, because I would not like to hear again that so many people from Pokot have been killed, so many cattle have been killed, because this depopulation does not help our people. In fact in other countries the population is so overwhelming that even in Parliament today I am the only Pokot Member who represents the people because my people have been killed, when there should be some more Members to represent the Pokot people.

Now, Mr. Speaker, Sir, I am very glad indeed that Government has accepted this Motion and I would like to be able to assure my people that the Government is going to handle the matter not as soon as possible, but practically. Thank you very much, Mr. Speaker, Sir.

(Question put and agreed to)

Resolved accordingly:

"That in view of the fact that the Karakokot (Uganda) is part of Kenya which is being administered by the Uganda Government on her behalf, this House urges the Government to enter the quickest possible negotiations with the Uganda Government for immediate resumption of administration by Kenya."

MOTION

SWAHILI FOR THE NATIONAL ASSEMBLY

Mr. Ngala: Mr. Speaker, Sir, I wish to notify the House that I have slightly amended my Motion—one word only—and therefore I would like to move the following Motion:—

"THAT in view of the fact that Swahili is the indigenous common African language in Kenya, this House urges the Government to introduce a Bill for amendment of the Constitution to adopt Swahili as the language for this House and to fix a date on which the use of Swahili would commence in the National Assembly."

Mr. Speaker, Sir, Kenya is fortunate in that Swahili is a language which is a great asset to the people of Kenya. It is an indigenous African language, which is understood by everybody in Kenya.

An hon. Member: Prove it.

Mr. Ngala: Swahili is also widely spoken in Africa and now Swahili is the seventh language of the main languages of the world.

Now, Mr. Speaker, Sir, it may look very absurd for me, as an African, to move a Motion which urges Africans and the African Government to use its own language. Having attained our independence, automatically we ought to use our language, our African language in our Parliament. Having achieved sovereignty, we ought to know that the language is one thing which can give integrity and identity to the nation, and therefore the Government will quickly jump on this Motion and accept it, because we are just reminding the Government of what we should have done long before.

Mr. Speaker, Sir, what have other states done? We can see that other states have quickly realized that having moved out of imperialism they have said good-bye to the imperialistic languages as well, particularly when they have a chance of using their own indigenous language. It is true that there are some countries that do not have the chance or the asset of an indigenous language as we have, and these countries have, very embarrassingly, continued to use the imperialistic language, but our situation is very different. We have a language here which is our own, an African language and we therefore have the chance of saying goodbye to the imperialistic languages such as French, English and any other foreign language, because of this chance I think the Government and Members of Parliament here should realize the usefulness of having Swahili adopted as one of the languages in the National Assembly.

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[Mr. Ngala]

Now, Mr. Speaker, Sir, if we look at the efforts that have been made by other African states, we can start with our nearest neighbour here, Tanzania. They have quickly realized the need for consolidating their nation through the use of their own language. Members of Parliament there speak Swahili. A natural thing for the African Parliaments, because it is an African language. Also they are much more at home, they can express themselves more freely and more vividly in a language which is close to their own bough, and I think here in Kenya, this example given to us by Tanzania should be followed immediately.

Now, Kenya is not as unlucky as other countries where when you go to a public rally you hear the President or the Prime Minister of that country speaking in English or in French, and somebody else has to translate what the President or the Prime Minister of that country is saying into the indigenous language of the particular district where the Prime Minister is speaking, the language of the tribe. Here it is different. The President, for example, can go anywhere to any district, in any location or division in Kenya and deliver his speech, his message direct to the people in Swahili and the people would understand him and appreciate it and would get to know what the Government policy is as delivered by the Head of State or the Prime Minister. Therefore we should know that Swahili is spoken and understood by everybody in the country.

Mr. Speaker, even those people who say they do not know Swahili, I am sure are only pretending. They understand Swahili. I am not talking of a Swahili which is a dialect of a particular group such as the Lamu dialect or the Mijikani dialect or the Kisumu dialect. I am speaking of the Government being determined to use the East African interterritorial language, Swahili, up to a certain standard, so that it could be used in this House and it could be taught. Other countries have made an effort to wriggle out of this realistic language to adopt their own language when they have a chance of using their own language. As we have a chance of doing this in this country, I believe very strongly that the Government should make use of Swahili in this House as one of their languages.

By not adopting Swahili, Sir, I think we are suffering from various disadvantages. The first one is there are many men and women who are very clever, who are intelligent and who are very wise. They are stopped from coming to this House to share their wisdom with us and their

cleverness with us just because they do not know a foreign language, I think this is very unfortunate. I think these women and men have worked in the organization of the parties, some of them have worked very hard for KANU in different locations, very, very hard indeed. Even the public would rather have those people than chaps that have passed the K.A.P.E. coming here. Therefore I think we are refusing the country the advantage of making use of the best brains, of the best intelligences, just because some people do not know English, which is a foreign language.

Indeed, I am not undermining English, because I think it is a great language. It is a very rich language. It is a language which is very systematic in its form. But we must use our own. Some people have always taught us that what belongs everything—to an African is bad, including a language.

The Assistant Minister, President's Office (Mr. Nyamweya): Who said that?

Mr. Ngala: Some people have taught us, that in the past. They have even taught us that our own religions are bad and we have jumped to other people's religions. It is high time that we realized that this was just a political move to make us believe that our own things were bad and we should leave them alone. Now, having achieved independence, we ought to bring forward the good things of the past and put them together with the good things of the present time, to complete our nation. I believe that the adoption of Swahili as the language would very much help us in completing the unity and the sovereignty of Kenya. Therefore I would like, Mr. Speaker, to remind the House what some other countries far in the East or in the West have done about their languages. It is very clear, Sir, in India, for example, there are many languages. It is in that country where the bitterness and hostility and opposition about languages has at the highest point. The Government there decided to make use of its own language. There are very hostile attitudes. Some people were opposing that and even fighting and killing one another, but for the sake of the country and for the sake of the integrity of the country, the Government of India said, "We are determined to use our own language. We are determined to put aside English. We shall use English when we go to other countries on visits; when we visit Ghana, when we visit the United Kingdom or when we visit America we can use these when we visit America we can use these languages, they are very good assets and we should have them. But in our own motherland, we should use our own language." When I go

[The Assistant Minister, President's Office]

Kenya now wishes to return to the pre-1931 position, but the present problem is that the Uganda Government has demanded a large sum of money in compensation for permanent development which it has carried out in the area, particularly in Amudand, an administrative centre which has been built by the Uganda Government. On the other hand, Kenya has offered various suggestions to lease the centre in settling the problem. We have offered to lease the centre with an option to buy it at a later date when we can afford it. Negotiations are still going on between the two Governments and the House will be kept informed of development.

Now, Mr. Deputy Speaker, Sir, as this Motion is going on, our Ministry of External Affairs, together with the President's Office, are carrying out negotiations with the Uganda Government and we hope we will be able to reach an acceptable solution as soon as possible. Sir, the Motion actually asks the Government to do what the Government is in fact doing, and that is why the Government is prepared to accept the Motion. Thus, Sir, as all hon. Members know, Uganda is in friendly terms with Kenya and we do not want to utter or speak words which may prejudice that relationship.

For that reason, Mr. Deputy Speaker, I am hopeful that hon. Members will appreciate if I suggest the deletion of the words "and in view of the very low standard of living and constant fights among the inhabitants of this area" appearing in the third and fourth lines, and "in order to facilitate proper administration and development in the area" appearing in the last two lines. Why, Sir, I suggest that these words should be deleted is that, by leaving them in the Motion as they are that would create a wrong impression which cannot be laid to a friendly neighbouring country like Uganda. This would mean that the Uganda Government is merely sitting at this place doing nothing and has done nothing since 1931. So, the Motion as amended would read: "That in view of the fact that the Kara-Pokot (Uganda) is part of Kenya which is being administered by the Uganda Government on her behalf, this House urges the Government to enter the quickest possible negotiations with the Uganda Government for immediate resumption of administration by Kenya." This does not in any sense impair the validity of the Motion.

Hon. Members will recall that since September last year a considerable amount of progress has been made in our negotiations with the Uganda Government, and it would be proper that we should not prejudice these negotiations

as they are going on. As the hon. Member has said, the question of Kara-Pokot is very much in the mind of the Government, just as much as it is in his own mind, and I would like to assure the House that everything possible is being done to resolve the question as soon as possible.

Mr. Deputy Speaker, Sir, the Government accepts the Motion as amended.

Sir, I beg to move.

(Question of the amendment that the words proposed to be left out be left out proposed)

Mr. Gatugua: I am very glad to know that the Government has accepted this Motion and I would like also to support the amendment, because of the reasons given by the Assistant Minister that we do not wish to say words that would embarrass our neighbouring friends. However, this question of the Kara-Pokot is a very vital one and I think the Government should take immediate steps to see to it that this part of Kenya is returned to this country because it is accepted that Kara-Pokot is part of Kenya politically, socially and even constitutionally, and that it was only some kind of arrangement that was made between the former Kenya Colonial Government with the former Uganda Colonial Government to the effect that Kara-Pokot should be administered by Uganda.

There is no legal problem here; there is not even a political problem nor a social problem, because it is accepted that this country belongs to Kenya. What we would ask our Government in this respect is to speed up the matter because although we have removed some words in this case we know, and we agree fully with the Mover of this Motion, that this part of the country is being neglected. There is no proper administration, there are no so-called social amenities and there is not even economic development. There is nothing. Accordingly we would like the Government to speed up this matter and to bring our brothers back to this country to be administered under our law and within our Government. This is, Mr. Deputy Speaker, a vital issue, not only because we are sympathetic to our brothers there but also because it involves the integrity of our country. As a nation that is sovereign we must be able to make sure that no one plays about with an inch of our soil. Also we must be able to show the whole world that we are keen to declare our integrity and also to look after the proper development of our country.

I wish to congratulate the Assistant Minister very much for accepting this Motion readily and also for amending it in the way he has done.

[Mr. Gatugua] My only wish is that the same Assistant Minister, or another Minister of the Government, will come back to this House very shortly and tell us that they have reached negotiations with the Uganda Government and that Kara-Pokot is now a part of Kenya.

I do not understand this question of compensation which the Uganda Government is asking for because our people who are now being administered by the Uganda Government have been paying their taxes to the Uganda Government, and so, whatever development these people have carried out they have done that development with the money the Kara-Pokot people have been paying. So, I cannot understand why this question of compensation arises. I hope the Assistant Minister will take this question into consideration. As I understand there are no major developments in the area then one fails to understand why the Kenya Government is required to pay any compensation whatsoever. In any case, as I have said, whatever development there has been done by the taxpayers' money, the money of the Kara-Pokot people. This House will be very sorry if the Kenya Government accepts the question of compensation.

Mr. Kamau: Mr. Deputy Speaker, this Motion is very clear and I would like to join my friend, the hon. Mr. Gatugua, in congratulating the Government for accepting the Motion by the hon. Mr. Lorema.

It is surprising to find that in Kenya today there is an area where the people do not have adequate education and we fully sympathize with our friend here for the Kara-Pokot people. If, as he has stated, they are so neglected that they are still living in the Stone Age, then we try much appeal to the Government to see that everything possible is done to bring this area back under the administration of the Kenya Government so that these people can enjoy the privileges, facilities and benefits of Kenya. It looks today as if that area is intentionally being allowed to lag behind attraction to the world to come and enjoy it, and it would be a shame to our Government to have such a place lagging behind when all other areas are progressing.

Mr. Speaker, Sir, it is also surprising to hear, from our own Government, that the condition now arises through the development which is being done in the place while the Member for the area is contending that there is no development there. If there is any development then this development has been done by the Kara-Pokot people who have been living there, and we have

no doubt that the Government of our friend the hon. Mr. Obote, who is friendly towards Kenya, will not put any difficulties on the release of these people and will let them come back to their own brothers in Kenya. However, Mr. Speaker, Sir, I think this point is very clear and therefore I will not waste any time in discussing it, because as long as it is accepted by the Government we would only request our Government to facilitate this education on agriculture and all other social amenities to these people, so as to come up to the standard of their brothers who are living in the country.

With these few remarks, Mr. Speaker, Sir, I support the Motion.

Mr. Shikuku: Mr. Speaker, Sir, in view of the fact that the Motion has been accepted, would it be in order to move that the Mover be now called upon to reply?

The Deputy Speaker (Dr. De Souza): Before we do that I will put the question of the amendment.

(Question of the amendment, that the words to be left out be left out put and agreed to)

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. De Souza): If there is no other speaker then I will call upon the Mover to reply.

Mr. Lorema: Mr. Speaker, Sir, I must again take this opportunity of thanking the Government for accepting this Motion, and also those of my hon. Members who have contributed so much towards this Motion.

While I agree with the amendment, I think that the main point here, which remain for the Government to solve, is the acceleration of these negotiations, because that being the common phrase of the Government; sometimes it uses such a word, such Governmental expression. I do not know whether it is economic or what; as soon as possible. Since this Motion, Mr. Speaker, Sir, is self-explanatory, and also helps our own dignity, I hope the Government will accelerate and bring these people back.

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

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

It is not just a matter of bringing back, it is a matter of planning a turn like this.

Mr. Speaker, Sir, another point on which I would like to comment on this Motion is about the lease. Now, my hon. Member for Kikuyu, Mr. Gatugua, asked me about the contribution of this money which the Uganda Government

[Mr. Lorenz] away all your animals," which they do all the time. When they see anybody at any distance, their aim is to shoot; they are just being shot like animals. Mr. Speaker, any Member who goes there will be surprised to see how these people are treated. Now they do not have any security. Here, in Kenya, I must take the opportunity of praising our forces, especially the Kenya Police, who see the person who is wrong and they are not biased at all, because they see the wrong man and they attack that man. But those people, having been in a General Service Unit in Kara-Moja, just attack them like that. There are so many things of that nature which are taking place, Mr. Speaker, and that is why I would like these people to be brought to join their brothers in Kapenguria.

In 1962, 126 Kara-Pokot were killed simply because of these stolen animals, and they do not want to bother to find out who did this. It is just a general punishment. If one man was killed, they would say, "Let us kill one of the Pokot, unless they find us the guilty man," but that is not the case.

Another point I have to make, Mr. Speaker, is about schools. There are no schools at all in the area. Boys are learning in places under the trees, in all conditions: whether it is raining or dry, they are under these trees. There are no schools, no desks. They may claim that we have a place called Cheywoyet but this place was built by voluntary bodies like missionaries. These people are very much appreciated, for the work they did. So the Uganda Government cannot claim anything regarding the Kara-Pokot in that sense. Mr. Speaker, Sir, these people are very humiliated and the Kenya Government should take immediate steps about them. I have taken several times to come and inform the Kenya Government of what is taking place in the area. There was a time when Kenya officials were supposed to come to Kara-Moja on the 15th and 16th March, but they failed to come, but I do not know why they did not come. They sent a telegram to the Central Government in Uganda. People were waiting. Also, I have been trying to help. I have brought delegations and all this without achieving anything.

The only way that we could get these people living peacefully is to bring them back and then have this area properly planned for. I am sure that when these people come to Kapenguria they will feel it is paradise. Now, when they arrive in Nairobi, they say, "Which country is this?" The other time I brought them, I took them round Central Province and they thought that it

was in north Kenya, they wondered very much. Mr. Speaker, so it is the desire that they should get all these social facilities and become Kenyans.

Mr. Speaker, I do not want to liberate this point because it is an understandable fact, but I wanted to mention here that the development in other parts of Kenya can be seen with the naked eye, but when you come to Pokot is general, unless you use a very powerful microscope, you cannot see the development; it is zero, Mr. Speaker. That is why we have to air the views of these people for the Government to hear and act on it.

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

Mr. Gichoya: Mr. Speaker, Sir, the problem posed here by the hon. Member is a problem of human necessity. A people who are supposed to be enjoying democratic principles or at least feel they are within a democratic institution, as we have in Kenya, are denied that chance by virtue of being administratively placed in another area. It is true that we have a very good relationship with Uganda, but in terms of minor things like this one, the Government of Uganda might perhaps, unintentionally, overlook the necessities of these Kara-Pokot. If the Member who represents the Pokot people claims that these people are theirs by all standards, by language, by custom, by way of thinking, it should be the duty of the Government to see the Government of Uganda and find out whether there is any possibility of transferring the administrative machinery from Uganda to Kenya.

If, again, geography shows that this part belongs to Kenya I think it is wrong for part of Kenya to be administered elsewhere, when we have a very efficient administrative machinery, unless of course we suffer from the same conditions as the former rulers did, namely the colonial group which used to rule this country and found it fit to give administrative responsibility for the Kara-Pokot area to the Uganda Government. We are proud of our own Civil Service and we are proud of our own planning which is now taking place in this country, and we believe that these people give a chance to join their own kith and kin could benefit from our elaborate arrangements for economic development. They could also enjoy the basic democratic principles of having area councils or county councils of their own.

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

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

[Mr. Gichoya]

These are the things which everyone has fought for, so that we should have the right to decide for our own fate, and these people—the Kara-Pokot—have no choice whatsoever in deciding as to what should be for their own happiness or tomorrow, because administratively, they are being placed in a kind of hostile area, a hostile community which governs them: that is the Karakokot from Uganda.

What should be done, Mr. Deputy Speaker, is that the Government ought to take immediate steps to consult the Government of Uganda, to see how they can be reunited with their Kenya brothers. I believe the leaders of Kenya and Uganda being so friendly as the area—as a matter of fact, we ought to be even under the federal cover—the problem of these people could be easily solved. It is a pity that up to this moment, educationally, those people do not enjoy the facilities of the Kenya Government.

They are aided only by foreign missionaries. We thank them for what they have done, but this ought not to have continued for so long. It was there during the colonial period but now as a free people we must be prepared to assist our own underdeveloped people. The Kara-Pokot are indeed comparatively very backward educationally, as we understand. I would not take any pride at all to hear that one part of our own country is living in the Stone Age period.

The Assistant Minister for Education (Mr. Mutiso): What about Kirinyaga?

Mr. Gichoya: Mr. Deputy Speaker, Sir, the Assistant Minister for Education should understand that Kirinyaga is one of the more advanced districts with its own education, set aside according to measure. We would like also the same facilities to be extended to the Kara-Pokot people and it is the duty of the Government, the Minister for Education at least, to feel ashamed if these people do not have even one intermediate school built by the Government of Kenya. If it is because the administration of that area lies with the other side of Uganda it is up to our Government to request the Government of Uganda to put those people on a better footing educationally.

Taking the other side of the question, Mr. Deputy Speaker, it is a pity that the Member who really knows his people properly could put before the House that if you want to see what development has taken place in that area you have to do so with magnifying glasses. This

shows again that our Government either is not prepared to take over the responsibility of these people or the Government, for that matter, is prepared to see some of its citizens who were placed in the wrong area living in a state of slavery. If people are poor they are no better than slaves. Independence means that we have to improve our intellectual capacity, our economic position and our political situation. These people are not getting anything and it is the duty of our Government—at least the Government will have to accept this Motion without any amendment as has been the custom with many Motions—to bring these people under the administration of Kenya. Unless the Government is prepared to do so, then the Government of Kenya could be either accused of neglecting its own citizens or selling out its own citizens to another country. Indeed, Uganda is a foreign country in as much as Uganda is a sovereign state and Kenya is another sovereign state. We have no common sovereignty; we may be having a Common Services Organization for economic betterment. However, in terms of sovereignty we are two different states and, consequently, our state must look after its own citizens.

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

(Question proposed)

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, I will not take very long on this Motion. I want to state right from the beginning that the Government is in full sympathy with the Motion.

The question of the Kara-Suk or the Kara-Pokot, whichever the hon. Member thinks is appropriate, came to this House on the 8th September 1964. Mr. Deputy Speaker, during that time I had the opportunity to deal with the question of Kara-Suk and it may be of interest to note what I said on that day. What I said on that day was, Sir, that the history of the Kara-Suk problem goes back a number of years. It arose as a result of the grazing problem of the Pokot people. An arrangement was made between the Uganda and Kenya giving grazing concession in that area to the Pokot people. The Pokot, however, did not abide by the agreement and penetrated far into Uganda. Consequently, in 1931, another agreement was made, giving the Uganda Government powers to control the ever westward thrust of the Pokot and by the terms of that agreement, Kara-Suk was placed under the administration of Uganda without any legal changes in the boundary of Kenya and Uganda being made.

[Mr. Lorenza]

Now, Mr. Speaker, I would like to take the trouble here to explain this problem of the Kara-Pokot. We in Pokot are divided into three sections; namely the West Pokot, of Kapenguria, the East Pokot, the other side of Raringo and the Kara-Pokot. These people, the Kara-Pokot, so happen to be in Uganda, administered in Uganda. Because of the consistent fights and of the very low standards, as the Motion indicates, I feel that as the only Member for the area, I must air the views of these people in their own interests. At the moment, their views and interests are being overlooked. In the first place, they do not have a Member to air their grievances for them in Uganda and my people's quarrel here is, what is the reason why the Kara-Pokot, while most of their brothers are in Kenya, are in Uganda. At the same time, these very people are within the map of Kenya. It is for the Government of Kenya to tell us if they are going to give these people to Uganda, and then they will have to adjust their map, which will look ridiculous indeed.

If we look at a place like Amundat, for instance, it is shown on the map of Kenya. I do not know how it happens that these people are administered in Uganda. Mr. Speaker, as far as I can understand this, I cannot blame my Government because this was a colonial arrangement, the one of divide and rule. Now the time has come when these people must be brought together and solve their social and economic problems.

Formerly, if I may follow the history, there was a place called Echiliba. It is at the moment on the boundary between the Kara-Pokot and the West Pokot, but it is also just some yards beyond the river Suam. In 1924, all these people in Kara-Pokot were paying their taxes to the Kenya Government. In 1931, they found that this town of Echiliba was not so salubrious. They found the area was infested with mosquitoes. So they transferred this area which was supposed to be the capital of the Pokot by then to Kapenguria, which had a rather colder climate. Knowing that this area was not so good for the administration at that time, these people were just neglected and they went to Uganda because the place was drier and they joined with the Kara-Moja. Now the fact that they joined with the Kara-Moja did not necessarily mean they would get along, because the Kara-Moja and the Kara-Pokot normally and naturally followed their own customs. There are very many things which happened in such an area. I also would like to put the blame on our representatives who went to Lancaster House for talks on these constitutional matters. They should have aired their point when

they went there. We should have liked to bring in the Kara-Pokot, formerly known as Kara-Sch. This question of territorial matters, Mr. Speaker, is very serious indeed. For example, we hear of territorial quarrels, Sudan versus Ethiopia, Kashmir versus India. This is causing people to knock each other's heads. This is not the thing. The Uganda Government understands this very well. This area belongs to Kenya, but the Kenya Government has not taken the initiative to approach the Uganda Government for the immediate resumption of administration of this area to Kenya.

These people are just left in an island when they do not understand the position in which they stand. When the Kenya Government officials go there and the people question them, "What about this and that regarding schools," they are told, "My dear friends, you belong to Uganda." They say, "Gosh, we were in Kenya for a long time, how did we happen to be in Uganda?" They are not historians, they do not understand these things. Similarly, when the Uganda Government officials go there, they do precisely nothing.

I must mention here, Mr. Speaker, at random, that people have a very great knowledge of other countries, foreign countries; but it is rather difficult that on a thing like this, people cannot follow up my speech. People know America, people know Russia, India, and all these countries, and yet when I mention parts of Kenya, probably the Members and members of the public find it hard to understand. This is a fact. We are trying to protect something which is within us. Let us have our own rights and take away nobody's rights.

Things came to a head, Mr. Speaker, last year when these people, the Kara-Pokot, came to Kapenguria. Of course, having brought them a lot, a long-time ago, these people could defend themselves with spears. They are a very powerful tribe, but as a result of my teaching as a Member for the area, they knew this proverb I said, "My dear countrymen; it has been found out that a pair is mightier than a swarm." After a lot of teaching, they realized that they could use their spears, but this other tribe might be aggressive. So I told them to send their children to school, but up to now no one has given them any aid. No one has given them responsibility, not even a district officer or any officer for the area. This is why it is my intention that the Kenya Government should bring back these people in order to set up a proper administration. At the moment it is like a football match

[Mr. Lorenza]

I must tell the Government that there could be a tremendous type of development which must be encouraged in the area. I quite agree with that. If the Kenya Government fears development and the cash which they are going to put in the area, that would be an excuse, but it is realistic that you cannot just hand over to your property. If you have ten children, you cannot say, "I am unable to keep all these children, so I must surrender one to this man because of lack of food," but Kenya is entitled to protect its own territory. Otherwise, one day we will find ourselves at a similar disadvantage, and they will come to our capital, which will not be good at all. We shall reject this.

Mr. Speaker, this problem of the Kara-Pokot involves so many things. It involves external affairs, it involves administration. So far, I have not attempted to say anything connected with external affairs. Now may I just be allowed to go on to the side of administration, very briefly. There are practically no offices in the area; it is all bush. These people are living in a different century altogether—probably the Stone Age. It is beyond description, Mr. Speaker, and I cannot describe it. There is not one post office. People cannot take their letters there. Of course, there are other resources there although it is just bush. They have minerals and everything.

These people do not have post offices, also, while dealing with this question of administration, I must mention chiefs. It is very interesting to tell you, Mr. Speaker, and hon. Members that what is confronting these people here is that they have no chiefs. As I have said, the Kara-Pokot are just adjusting to the Kara-Moja. Now the Kara-Moja of Uganda want to expand their empire at the expense of the Kara-Pokot. They have exchanged their chiefs. They have brought the Kara-Moja chiefs there and they are ruling the Pokot, and they are taking those, who do not want to listen properly, to the other side of the Kara-Moja. Now the Pokot do not understand the Kara-Moja language properly. If, for example, a Luo went to my Pokot area, my people would not understand the language, and similarly, if a Pokot chief was taken to Kikuyu where he is supposed to explain the Government policy in a simple and clear language, how can he do it? How can he do that? The simple reason is this, that when these people come in, the chief first of all is consulted and he can give out any fabricated news regarding the Pokot, because they want them to be expelled

from the area; we tell them that this area belongs to Kenya, it is not just Pokot, but Kenya land.

Also, they do not have Tribal Police, they do not have anything. When a boy reaches Standard I or Standard II, the people in authority tell him, "You are now a graduate, you will go far," but how can one really reach Standard I and then go back and lead his people? Such a person is not capable. Mr. Speaker, Sir, I challenge anyone who says that some of the backward tribes are so backward that they just laugh at them. It is just because of time and they were not given the proper time by the colonialists. You may find these people having their own customs and they dress themselves traditionally and I am proud that these people dress themselves the way they do. They are not committed to any side, they dress themselves like anybody else. One time I brought my people to Nairobi and all the tourists were running to try and photograph them because they looked so beautiful; they admired them. I am proud of them, Mr. Speaker, Sir.

They lack so many things, but they are taxed so highly that they are unable to pay their taxes, and the method applied in this situation is one of force. For example, when they go to auction their animals, there is a clerk there who is, of course, a Kara-Moja from Uganda and who stands by the auctioneer. When a person buys a cow or goat, the money is deducted before the man who has sold the animal gets the money. For example if he gets Sh. 20 for a goat and he owes some money to the Government, the money is just deducted. He is told to go away, there is nothing for him, because he has not paid his taxes. I think this is just a matter of force.

Mr. Speaker, I have said something about administration, and when the Government takes over, it should look into the posts. The main thing, therefore, which we advise for these people is this. We say that we are trying to clear out the three enemies, but I must add one common enemy existing in Kara-Pokot: namely, the security side of things. Mr. Speaker, without security in a country, no one can be at peace. These people—the Kara-Pokot—who are living in Uganda are very insecure, officially and otherwise, in that when people come from the General Service Unit, from the other side, and they say that their animals were lost, arriving at Karakok, they just begin attacking people anyhow, even those who were not responsible. They say, "You must give us the animals; or we drive

[Mr. Maitlis]

to the local authorities to decide how they will use these funds. It is not for the Central Government to direct that these funds be used for housing alone.

Mr. Ngala: On a point of order, Mr. Speaker, I would like to follow-up the Assistant Minister. The question is definitely referring to improvement in teachers' housing within the school compounds, and the Assistant Minister has said that Government has a scheme whereby the grant finance for the improvement of teachers' houses in the school premises. We say there are no moneys that have flowed towards primary schools and now the Minister responsible for Finance has told us that there were no funds provided before but now the Government has realized the need for providing funds. Could the Assistant Minister not withdraw and see the coyness of the two statements.

The Minister for Finance (Mr. Gichuru): On a point of correction, Mr. Speaker—

The Speaker (Mr. Slade): I think that this has been enough. It was not strictly in order for me to let you give your information, though I think the House was glad to have it. I think maybe this is enough now, and we must go on.

Next question: Is anyone authorized by Mr. Amin to ask Question 10677? If not, we will go on.

QUESTION BY PRIVATE NOTICE CONSIGNMENT OF RUSSIAN ARMS AND RUSSIAN SHIP

The Speaker (Mr. Slade): I think you have a Question by Private Notice, Mr. Khasakhala? Will you ask it now?

Mr. Khasakhala: Mr. Speaker, Sir, under the Standing Orders I beg to ask the following question:

Mr. Khasakhala asked the Minister for Internal Security and Defence—on Thursday, 15th April 1965, the Minister held a Press conference and stated that there is a "small consignment of arms" on a Russian ship expected soon in Mombasa, and that Kenya Army officials had gone to Mombasa to receive them.

On Wednesday, 21st April 1965 we learnt that the ship, although seen in Kenya waters, had disappeared. It is now stated the ship *Fizik Lebedev* of the U.S.S.R. is now unloading in Dar es Salaam as from 17th April 1965. Could the Minister tell the House why these arms were not unloaded in Mombasa?

This question should have come up yesterday but now the time has expired.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, on behalf of the Minister for Internal Security and Defence, I beg to reply. It is correct that the Russian ship was expected to unload a certain amount of arms at Mombasa. As far as the Kenya Government is concerned, this ship is still expected to unload at Mombasa. However, as all hon. Members know, the Kenya Government has no control on any Russian ship or any other foreign ship and the Russian ship—for reasons known to themselves—may be having run into a turbulent storm, maybe a political storm—decided to unload at Dar es-Salaam to begin with. We still wait for the ship to unload at Mombasa.

Mr. Khasakhala: Mr. Speaker, Sir, in view of the fact that the Kenya Army officials using the money of the Kenya Government went to Mombasa to receive these arms, could the Minister tell the House how this money is going to be accounted for?

Mr. Nyamweya: Mr. Speaker, Sir, the Members of the Kenya Army who went down to help the unloading of the stuff from the Russian army, did not have that as their only duty, and therefore the question of accounting for this specific item of unloading does not arise.

Mr. Mwangandi: Mr. Speaker, Sir, will the Assistant Minister tell this House whether the arms were for the Kenya Government or for private enterprise?

The Speaker (Mr. Slade): No. That is another question.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, could the Assistant Minister tell the House why Government did not deem it right to issue another statement to explain to the country all the mystery that has happened so far about the army gift which was expected, because I think the country is now wondering whether there is any secret dealing or any mystery or suspicion going on. Why was a statement not issued to clear the air?

Mr. Nyamweya: Mr. Speaker, Sir, we will expect this army gift, and it would be premature at this time to issue a statement, which might possibly prejudice the gift which is coming from our Russian friends.

Mr. Choge: Mr. Speaker, Sir, this is a responsible Government and we would like to know

[Mr. Choge]

by the Assistant Minister the reasons as to why this ship bypassed Mombasa and went on to Dar es Salaam instead of unloading at Mombasa first?

Mr. Nyamweya: Mr. Speaker, Sir, as I said earlier, the Kenya Government has no control over foreign ships, including Russian ships, and we do not know all the goods which were consigned in this particular ship. It may be that they had some consignment for Dar es Salaam, Durban and other places, including Mombasa, and we cannot for that reason try to interfere in the course which the captain of the Russian ship has decided to follow.

Mr. Jahari: Mr. Speaker, Sir, would the Minister agree with me that a ship can alter the port of call any time, without giving notice and in all shipping line notices is it given out that the ship is subject to change any port of call without any notice?

Mr. Nyamweya: Mr. Speaker, Sir, that of course is the usual normal practice.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the question and the hon. Member Mr. Khasakhala, as to how the money used by the army men for receiving these arms would be accounted for, would the Assistant Minister assume the House that the money will be accounted for just in the same way as the money being used by the General Service Unit bearing people in Nyanza unnecessarily—

The Speaker (Mr. Slade): Order! Order! Mr. Ngala-Abok, too often you try to drag in things that you know are quite irrelevant and out of order.

I do not think Members are going to get any further on this.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION BY
PRIVATE NOTICE: UNLOADING OF CONSIGNMENT
OF ARMS FROM RUSSIAN SHIP

Mr. Khasakhala: On a point of order, Mr. Speaker, Sir, could I be allowed to raise this on adjournment?

The Speaker (Mr. Slade): No, I do not think so. The only things that can be raised on adjournment are matters of administration for which the Government is responsible. The permissible subject matter of Questions is very much wider, and

this matter was properly the subject of a question; but unless I can be satisfied that it is something over which Government has control, then it cannot be raised on adjournment.

Mr. Ngala: Mr. Speaker, Sir, on a point of order, can we make an attempt to satisfy you now that it is a matter of administration of which the Government is responsible?

The Speaker (Mr. Slade): No, there is no need to do that, because it could not be raised today anyhow; but if Mr. Khasakhala would care to give me notice of his desire to raise it on an adjournment, and can satisfy me that it is a matter of administration for which the Government is responsible, then it will be allowed on adjournment. We will go on now.

MOTION

ADMINISTRATION BY KENYA OF KARA-POKOT

Mr. Lorema: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the fact that the Kara-Pokot (Uganda) is part of Kenya which is being administered by the Uganda Government on her behalf and in view of the very low standard of living and constant fights among the inhabitants of this area, this House urges the Government to enter the quickest possible negotiations with the Uganda Government for immediate resumption of administration by Kenya in order to facilitate proper administration and development in the area.

Now, Mr. Speaker, Sir, this Motion, as it stands, is simple and clear, and I think self-explanatory. I would like to say, Mr. Speaker, Sir, to begin with that I am honoured to move this gigantic Motion, as I might say, during this session, in that it is a national Motion and it has nothing to do with separate people but the country as a whole, also towards the sovereignty and the dignity of our country. It is, Mr. Speaker, Sir, a reminder to our Government that at the moment there is one part of our Kenya which is being administered by our neighbouring country, in which case we are not following administratively our own policy, we are not administering this country which is, unfortunately, being administered by the Uganda Government. In that case, if at all we were to follow the geography, the map of Kenya, we would find that the masters and the students in schools, primary schools, who use them, are not marked properly because part is in Uganda. That would look like a bird which wants to eat grain.

[The Assistant Minister for Education]

undergo post-graduate training in education are given full salary as a graduate teacher during their year of training.

Students completing courses overseas are recruited to the public service, including teaching, by the Directorate of Personnel. The needs of the teaching service are communicated by my Ministry to the Director of Personnel who ensures that the students are aware of the opportunities in this field.

All these activities go on throughout the year as the universities' calendar varies widely from country to country.

Mr. Godla: Mr. Speaker, Sir, would the Assistant Minister tell the House how many of the students from the universities, who passed last year, have decided to join the teaching profession as a result of whatever methods his Ministry has used to attract them to join the teaching profession?

Mr. Mutiso: Mr. Speaker, Sir, I cannot give the exact figure of how many students joined the teaching profession from universities, but I am sure the hon. Member is quite aware that students who complete their post-graduate training very rarely are attracted to this profession. It is perhaps only the students who have completed their School Certificate who are very much interested in teaching.

Mr. Mallada: Arising out of that reply, Mr. Speaker, can the Assistant Minister tell us what his Ministry has done to find out the causes and reasons for these graduate students not joining the teaching profession?

Mr. Mutiso: Mr. Speaker, as I have already stated, we always visit the University of East Africa and we give lectures to students in order to show them the conditions that exist in our Ministry for students who want to take up teaching. However, it is open to them to decide whether to join the teaching profession or not.

Mr. Mallada: Mr. Speaker, my question was, what has the Ministry done to find out the causes which prevent these students from joining the teaching service, and the Assistant Minister has not replied to that. Can he give the reasons?

Mr. Mutiso: Mr. Speaker, Sir, that is a very difficult question because we cannot find out what are the causes. After we interview the students, they do not always indicate why they are not interested in teaching.

Mr. Makokha: Mr. Speaker, Sir, would the Assistant Minister not agree with me that what the Ministry should do is to improve terms of service, such as the question of one employee improved salaries, etc., because that will automatically attract young men and women to join the Ministry?

Mr. Mutiso: Mr. Speaker, the question of employing teachers does not necessarily rest with the Ministry of Education. This goes through the Public Service Commission and the terms that are set are Government terms and we cannot alter them as a Ministry.

Mr. Somo: Mr. Speaker, Sir, the Assistant Minister has already said that before employing any teachers they go to the university and give lectures. Is the Assistant Minister aware that, after his lecture in the college, the students are being employed and then they do not last a year because they resign? Could he tell us the reasons for their resigning?

Mr. Mutiso: Mr. Speaker, Sir, I cannot give a specific case where teachers have resigned, then I will be able to deal with that question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 1065: ENCOURAGING YOUNG PEOPLE TO BECOME TEACHERS

Mr. Godla: On a point of order, Mr. Speaker, in view of the unsatisfactory reply to this question, may I raise it on adjournment?

ORAL ANSWERS TO QUESTIONS

Question No. 1085

TEACHERS' HOUSING: IMPROVEMENT OF

Mr. Bly asked the Minister for Education what line the Government had taken as regards improvement of teachers' houses (school premises), especially in primary schools.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The responsibility for primary education lies with local authorities which receive some financial assistance from the Government. As the hon. Member will be aware, the Government is finding itself having to use most of the resources available to expand secondary education and cannot therefore, at this stage, spare any funds to improve classrooms and teachers' houses in primary schools, but the local people, through their local authorities, are no doubt doing what

[The Assistant Minister for Education]

they can, however little, in this direction. In many places, however, parents and local communities could do more through self-help to improve teachers' houses.

Mr. Omweri: Mr. Speaker, Sir, the Assistant Minister says teachers' houses are the responsibility of the local authorities which receive aid from the Government. Would the Assistant Minister tell us how much aid he gave to various districts in the country for this purpose only?

Mr. Mutiso: Mr. Speaker, I need notice of that question.

The Speaker (Mr. Slade): You cannot expect a complete breakdown throughout the country at this point.

Mr. Bly: Mr. Speaker, Sir, in view of the fact that primary education, particularly when we go to the question of classroom-building, is mainly done by citizens and the Ministry of Education does nothing with regard to this line, would the Assistant Minister assure this House that the Ministry of Education will try and help the local authorities in putting up teachers' houses so that teachers are attracted to join the teaching profession?

Mr. Mutiso: Mr. Speaker, if the hon. Member was listening when I first replied to this question, he would know that that I indicated that the question of improving teachers' houses rests with the local authorities and we, as the Central Government, do give aid to these authorities in that direction. Therefore, the hon. Member was not listening when I answered this question.

Mr. Mata: Mr. Speaker, Sir, since the Assistant Minister knows very well that the local authorities have plenty to do, could the Government consider having a broad plan to assist with grants and building schemes in a positive way so as to improve the conditions?

Mr. Mutiso: Mr. Speaker, Sir, I am sorry I cannot add anything more on that point.

Mr. Ngala: Mr. Speaker, Sir, arising from the inability of the Minister to give a definite reply, I would like the Assistant Minister to admit here and now that his Ministry does not give any type of financial grant towards teachers' housing and this is the source of teachers' disappointment in their profession.

Mr. Mutiso: Mr. Speaker, Sir, I am sorry I cannot admit to that allegation. I have already stated that there is a scheme, which the Central Government has contributed to, which gives

grants to the local authorities to improve teachers' houses or other conditions in the areas.

Mr. Omweri: Mr. Speaker, Sir, the Assistant Minister says that there is a grant which is given to assist in the building of teachers' houses. Since the introduction of Graduated Personal Tax, the Central Government has left the educational system and the responsibility, as far as primary schools are concerned to the local authorities and during the whole of last year there was no grant from the Central Government even for the teachers' salaries and that is why we are complaining—

The Speaker (Mr. Slade): What is your question?

Mr. Omweri: My question is, why is the Assistant Minister telling us lies, saying that there is a grant given to local authorities for building teachers' houses when there was not anything for the whole of last year?

The Speaker (Mr. Slade): It is not in order to describe an hon. Member's statements as lies, you may say they are inaccurate.

The Minister for Finance (Mr. Gichuru): On a point of information, Mr. Speaker, the situation is that last year education was entirely in the hands of local governments and they had to find money from within their resources and such funds— This was regionalism and this has now changed and the Government is working out a scheme, because the Government is fully aware that the local authorities will not be able to finance fully the schools and we are therefore trying to work out a scheme whereby we shall be in a position to give grants to schools.

Mr. Ngala: On a point of order, Mr. Speaker, accepting, Sir, the explanation given by the Minister for Finance that Government is now realizing the need for giving grants towards teachers' houses, apparently the Assistant Minister, earlier on told us something which is not true, because he said that the Government is already giving grants towards teachers' houses. Could I ask him to withdraw that statement in view of the explanation given by the Minister now?

The Speaker (Mr. Slade): It does appear to me, Mr. Mutiso, that what you said is not consistent with what the Minister for Finance has said. I must therefore ask you to acknowledge you were wrong or explain.

Mr. Mutiso: Mr. Speaker, Sir, all that I said was that there is a scheme whereby the Government gives grants to the local authorities, but this is not necessarily for houses and it is open

Friday, 23rd April 1965

The House met at Nine o'clock.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The E.A. Customs and Excise Annual Trade Report of Tanganyika, Uganda and Kenya for the year ended 31st December 1964.

(By the Assistant Minister for Home Affairs (Mr. Nyagah) on behalf of the Vice-President (Mr. Odiga))

Department of Agriculture Annual Report, 1963, Volume 1.

(By the Assistant Minister for Home Affairs (Mr. Nyagah) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

Report of the Permanent Secretary for Local Government for the years 1962-1963.

(By the Assistant Minister for Home Affairs (Mr. Nyagah) on behalf of the Minister for Local Government (Mr. Sagrifi))

ORAL ANSWERS TO QUESTIONS

Question No. 981

NUMBER OF AFRICAN DOCTORS AT MACHAKOS

Mr. Ndile asked the Minister for Health and Housing if he could tell the House how many doctors were at Machakos Provincial Hospital at present.

The Speaker (Mr. Slade): Is there no one to answer for the Minister of Health?

Mr. Ngala-Abok is not here for the next question. Mr. Godia. Mr. Amin. Mr. Bly your question.

Question No. 1085

TEACHERS' HOUSING: IMPROVEMENT OF

Mr. Bly asked the Minister for Education if he could tell the House the line which the Government was taking as regards improvement of teachers' houses (school premises) especially in primary schools.

The Speaker (Mr. Slade): Is there anyone authorized by the Ministry of Education to answer this question?

Question No. 2007

RAILWAY: LUMBWA-KISUMU

Mr. Sol asked the Minister for Works, Communications and Power if he was aware that the building of a railway line from Limba through Solik-Kisii to Kisumu was overdue.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. No, Sir, I do not agree that a loop line from Lumbwa through Solik and Kisii to Kisumu is overdue. The fact of the matter is that the cost of such a loop is estimated to be about £6½ million and, at the present state of development of those areas through which the line would pass, would be prohibitive and uneconomical and the idea cannot be entertained at the present time.

Mr. Sol: Mr. Speaker, Sir, is the Minister aware that the development that has been carried out in Kisii, Solik and most of the rich areas warrant a railway being built there? Is he aware that tea, pyrethrum and milk production is very high there?

Mr. Mwanjumba: Mr. Speaker, Sir, I am aware that development is taking place in Kisii which is referred to by the hon. Member, but the truth is that that development that is taking place does not warrant the expenditure by Government, of £6½ million. Therefore, the Government cannot, and I repeat, cannot, entertain this project.

Mr. Nyalick: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that without proper means of communication, development cannot be increased to the standard that is required?

Mr. Mwanjumba: Mr. Speaker, Sir, I am aware of that and the Government is doing everything it can to improve its communications system in the country. But, we have a limit and that is the availability of money.

Mr. Agar: Mr. Speaker, Sir, would the Minister then consider tarmac-ing the road from Kericho to Kisii fully?

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

The Speaker (Mr. Slade): Is there anyone here to ask or answer a question?

Mr. Bala: Mr. Speaker, Sir, on behalf of my colleague Mr. Ngala-Abok, I would like to ask question No. 1058.

The Speaker (Mr. Slade): I would like to ask hon. Members to be punctual in attendance. It does not add the dignity of the House when Members are not here to ask questions or to answer them.

Question No. 1058

Mr. Ndile: Mr. Speaker, on a point of order, this question appeared on a previous Order Paper.

The Speaker (Mr. Slade): Which question?

Mr. Ndile: 1058.

The Speaker (Mr. Slade): You are quite right. It has evidently been repeated by mistake and should not have been on today's Order Paper.

Mr. Mbogoh: On a point of order, Mr. Speaker, I have something which I do not know if it is correct or not, and I would like to seek your guidance on it. When we were elected I found that one of the obligations which a Member had to carry out was that they must go to a doctor to satisfy the authorities that he was sane. Now I find that we have been in this House for nearly two years and I have never seen anyone going to a doctor to be checked to see if they are sane or not. Who will justify the insanity of any Member at any time if it is not known whether he is sane or not?

The Speaker (Mr. Slade): I need notice of that question.

The Assistant Minister, President's Office (Mr. Nyanjumba): On a point of order, Mr. Speaker, I am in a position to deal with Question No. 981.

The Speaker (Mr. Slade): Mr. Ndile, will you ask your question?

Question No. 981

NUMBER OF AFRICAN DOCTORS AT MACHAKOS

Mr. Ndile asked the Minister for Health and Housing how many African doctors there were at present at Machakos Provincial Hospital.

The Assistant Minister, President's Office (Mr. Nyanjumba): Mr. Speaker, Sir, on behalf of the Minister for Health and Housing, I beg to reply. An African doctor has just been posted to Machakos General Hospital. He is Dr. E. Mwangi. As the hon. Member is aware, there is a shortage of qualified African medical officers in the country at present, but it is considered that with the postings just agreed by the Ministry on 30th March, Machakos General Hospital will be well staffed.

Mr. amp Sol: Mr. Speaker, Sir, will the Assistant Minister state that other doctors, who are not Africans, will not be discharged at any time because they are very useful to this country? That Africans should not be brought to replace others because we know these white doctors are very useful to us?

Mr. Nyanjumba: Mr. Speaker, Sir, the Government has no intention of replacing white doctors until such time we have enough doctors.

Mr. Sono: Mr. Speaker, Sir, arising from the original reply from the Assistant Minister, the question here says, "How many African doctors are at Machakos Provincial Hospital at present," and not about posting an African there. Could the Minister tell us how many African doctors there are at Machakos Hospital?

Mr. Nyanjumba: Mr. Speaker, Sir, I am not going to do simple arithmetic for the hon. Member. An African doctors has just been posted there.

Mr. Sono: So you mean to say there is one?

Mr. G. G. Karuki: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, he has just stated that there is a shortage of doctors in the country, is he aware that there are many African qualified doctors who are now resigning from Government due to the very low salaries given to them?

Mr. Nyanjumba: Mr. Speaker, Sir, any person is free to join the Public Service of the Republic of Kenya, and any civil servant who has so joined or any public servant who has joined the service of the Republic of Kenya is at liberty to resign.

Question No. 1065

ENCOURAGING YOUNG PEOPLE TO BECOME TEACHERS

Mr. Godia asked the Minister for Education whether he would tell the House what his Ministry had done this year to attract more young men and women from colleges to join the teaching profession.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Each year a Ministry of Education official gives a talk year to students approaching their final degree examinations in the University of East Africa telling them of the opportunities for training and employment in teaching. An official of my Ministry visited Makerere College for this purpose last month. Students who decide to

The Minister for Commerce and Industry (Dr. Kiuno): On a point of explanation, Mr. Speaker. I draw the Member's attention to section 12 (b) which says that the tribunal shall have power "to determine or vary the rent to be payable in respect of any tenancy, having regard to all the circumstances thereof". In other words, if you have entered into an agreement of tenancy and if you later, because of other circumstances, want the rent to be reconsidered by the tribunal, it can be reconsidered.

Mr. Jahazi: Mr. Speaker, I am very happy to hear that because now I can see that the tribunal will be kept very busy because no one is paying a rent that is reasonable at the moment, as far as I know.

Mr. Speaker, Sir, I also want to get a little information from the Minister on a certain category of people who are not covered in this Bill. These are private hospitals. These are not dwelling houses, nor are they restaurants or shops. There are so many small private hospitals which are doing a lot to relieve many patients who would have been forced to go to already congested Government hospitals and other very expensive private hospitals. These people are also being exploited by landlords. I know of a particular case and I even took the Minister for Health to see what this man was doing. In fact, the hospital was 90 per cent used by Africans and this gentleman was charging a very, very small amount to the Africans, but his biggest suffering is that every time the landlord comes and sees that he has many patients, he then increases the rent. In one year I think he has increased it three times: that is, when he sees the volume of patients rising, then he increases the rent. The Minister promised him that he would control the rent, but the Bill has come and I do not see any clause which will help such a man. I hope that when the Minister replies, he will include these people who are renting private hospitals, so that they are also covered because the Government encourages them to establish these small hospitals like private schools, in order to relieve the pressure on the Government hospitals, and if they are not protected by the Rent Bill, then I think they will be forced to close.

With those few remarks, Mr. Speaker, I beg to support.

Mr. Ngala: Mr. Speaker, Sir, I beg to support this Bill and say a few words.

First, I am glad that the Minister is determined and intends to do away with the good-will money, because very many people have been harassed by landlords over this question of good-

will money, and it is a very progressive step that the Minister is taking in getting rid of this in the Bill. However, I think it is very unfortunate that the Minister has not considered the necessity for covering the initial agreement between a tenant and landlord, because the harassing attitude of the landlords is very persistent and I think many people will be exploited on the initial agreement. I take it that later on people could appeal, but if the people want to appeal later on, they will be very much inclined to keep quiet, rather than appealing and being evicted from the premises. Therefore, I would have liked the Minister to start with a classification of the trading premises, whether a bar, a restaurant or a shop, and have a flat average rate of trading, so that people have a rough idea—they may vary in small figures—to guide them, so that the initial figure is fixed and it is helpful to many people. The fact that the Minister has left out the initial figure, I think, has perpetuated exploitation between the tenants and the landlords. As I say, I take the point that the Minister has made, that later on people could appeal, but the Minister is a businessman himself or has been one, or is connected somehow, and he knows the fears that a businessman can have of being evicted from trading premises if he complains.

Therefore, I would like the Minister to be practical in feeling for the traders and for the people who run the restaurants, so that he can have a system or a scheme whereby the initial agreement can be done by classification depending very much on the size of the trading premises, the equipment which is affixed to the premises. I know it involves a bit of work on his officers by way of inspection and so on, but in the interests of the traders this is very important.

As the hon. Mr. Jahazi has indicated, there are many traders who are charged rents that are not at all related to the profits of the business. If there is an agreement, this will be helpful because then whatever the body that will be charged with the work of classifying the premises and fixing the average rates will consider the kind of business that would be carried out in the different places. Therefore, a fixed rate which is appropriate to the type of business that will be conducted in certain places must be charged. Mr. Speaker, Sir, as you know, the profits in such trading undertakings are very small and they have to be gauged very carefully so as to enable the people to gain something. Most of the traders are just people who are working day and night for the landlords. To avoid this, I think the Government should go further and not fear

(Mr. Ngala) making a decision in this important matter in order to get the first agreement clearly fixed in the interests of both sides.

The second point is that I would like to differ from the Member for Majoge-Bassi who has given me the impression that this Bill is a robber's Bill. This Bill is not a robber's Bill. The Minister does not intend to take away other people's buildings or other people's trading places. There are some Members, Sir, who go about giving the impression that Africans will get something for nothing. I think these Members are deceiving the public, and it is high time that we stopped giving this kind of impression. We must stop giving the idea that we shall get something for nothing; we must give the idea that we shall get nothing for nothing. We must work hard, sweat hard, for everything that we want to get. To tell the people that the Minister could have powers to take away other people's trading places is a very irresponsible attitude to be expressed in this House. We know, Sir, quite definitely, that the Minister has put forward a Bill which concerns private property mainly, and as such, it must be respected according to the Constitution and, therefore, there is no question of taking it away just because someone has gone to the United Kingdom for a holiday, or for studies, or someone has gone to Pakistan or to the United States. It remains his business to keep his property and make the appropriate negotiations according to the law. Therefore, those hon. Members who go about preaching the gifts and free trading premises are wrong as it is high time they stopped this. If they have anything to give free they should start in their own constituencies.

The third point is the question of depreciation of buildings. I would like to know whether the Minister would give powers to these tribunals to rerate the rates according to the depreciation of buildings. We have seen some traders who stay in buildings—from the time they first started there—for thirty years and they pay the same rent; sometimes it is increased as the years go on. Now, some of the buildings are old and have very little value. According to the length of time some buildings are only worth Sh. 1 or Sh. 2 but although the building itself, arithmetically, is worth Sh. 1 to the builder he is charging a lot of money every month. This, Sir, is contrary to commercial exercise. I am sure the Minister is aware of this because he is knowledgeable in the field of commerce and, therefore, I think he should consider some areas where the buildings have become so old and ragged that they have

become out of date. These tribunal courts should be given powers to reduce the rents so that they can be adjusted according to the time and place. We have an example in Mombasa where landlords have a habit of ganging up in order to allow members of their own community to take up premises. This has stopped African butchers, for example, from making any headway in Mombasa because certain landlords have done that and they are determined to refuse Africans taking up premises for business. I think the Minister, in this Bill, should have given himself powers to specifically deal with a group of people who call themselves landlords—they were given the land during the colonial days, years ago—who are taking the advantage of ganging up and refusing the Africans participation in the business. The Minister should have taken up this point in this Bill and made specific provision to empower himself or his officers to look around, take stock of what is going on, and where applications are submitted, the people who have less opportunity in particular trades should be given first priority in admission into business premises. I have given butchers in Mombasa as one example but there are many other examples of which the Minister is in the know and these should be gone into.

My fourth point, Sir, is this question of £6,500—I think, I heard—of extra expenditure here. I would like to know exactly the items on which this expenditure is going to be incurred because I, Mr. Speaker, Sir, that the Minister has already a department which can deal with this kind of Bill and if this is a question of paying sitting allowances to the tribunal court members, then we should be told how this figure of £6,500 was arrived at. I presume it is an annual figure.

The next point—

The Speaker (Mr. Slade): It is going to be a long point, Mr. Ngala? If so, you might like to break off now and continue next time.

Mr. Ngala: Yes, Sir, I would like to break off now.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the interruption of business and the House is therefore adjourned until tomorrow, Friday, 23rd April at 9 a.m.

The House rose at thirty minutes past six o'clock.

[Mr. Anyien]

well that some of our people are not very acquainted with such things—does not know how much he can pay and still get profit so as to continue with business. If a man like that is swindled through ignorance, that man later on, after he has discovered that what he is paying is too much, should be able to report to the Minister, and this tribunal should be able to fix the maximum rent which the landlord can demand. If this is included in the Bill—and I see the Minister is looking at it—because I did not see it when I was looking at the Bill, then I will thank the Minister very much for including it. If it is not included, then I would like my Minister to look into it.

Now, Mr. Speaker, to talk of landlords, I, at one time, went with the then Assistant Minister to the Ministry of Health to some houses, very close to Embakasi airport. These houses were in a terrible condition, but the people who are working at the airport are renting these houses and these houses were told belonged to the Ministry of Works. Now, honestly, if we are going to legislate for other landlords—

Mr. Ngala: On a point of order, Mr. Speaker, is the Member in order in talking about houses when this Bill is on business premises?

The Speaker (Mr. Slade): No. I was just on the point of saying so. You are quite right, Mr. Ngala, this Bill deals with shops, hotels and catering establishments.

Mr. Anyien: Mr. Speaker, I think my hon. former Leader of the Opposition wants to speak and so I do not want to go much further.

I would like to say that the Government should be able to make sure that if the Local Government has buildings, they must also be subjected to a thing like this. For example, Mr. Speaker, in the City Council there were houses which were built for people to live in. Later on, because whoever was planning did not make provision for shops and for bars and for places where people can get meat, these buildings which were originally intended to be houses for people to live in were converted into shops. You will find that, for example, any person who wants to sell fish and may not be able to sell enough fish in order to pay the rent, will be asked to pay so much money that it becomes difficult.

I hope that the Government will go further and will control even the local authorities whose premises will not be good enough. I would here like also to say that places like Mbagwu, where there are some very bad premises which are used as shops and some of these are under the City

Council, the Government should take immediate steps to demolish these places so that when they approach the private landlords the landlords will not in turn point at the Government's places and say, "You are doing this to me, but look at your own premises. My premises in comparison with yours are much better." This will not give Government the power to remove people.

So, with these few words, Mr. Speaker, I would like strongly to support the Bill and I do hope that it will not take very many days of discussion here. It should be passed. All I would like to ask my Minister is that this Bill should work retrospectively for one year so that when next time the Minister gives a warning to any of these people, action can be taken if they do not comply.

With these few words, I beg to support the Bill.

Mr. Jahazi: Thank you, Mr. Speaker, Sir, and I would like to say that I welcome this Bill as the one that the whole country has been waiting for and as the Minister well knows he gave us his assurance the other day that the Bill is on the way, and we are very happy to welcome it to this House today.

One thing I would like to comment upon is that while I support the Bill very strongly I would have thought that the Bill would have covered every type of house, dining house, hotels and shops, because the present one only covers half way, and it is not only the businessman who suffers in this country now, it is only the people who are renting these private houses are also great sufferers and they are also being exploited day and night. So whether the Minister will bring out another Bill to cover—

The Speaker (Mr. Slade): The position is that, in a debate on a Second Reading, we are limited to the scope of the Bill as it stands, and the scope of this Bill as it stands does not include residential premises. If an hon. Member feels residential premises should be included, and could be the scope should be enlarged, and could be enlarged, then there is procedure, whereby he can move for a Special Instruction to the Committee to consider expanding the scope of the Bill to include residential premises.

Mr. Jahazi: Thank you very much, Mr. Speaker, Sir, for your guidance, and I think the Minister has no objection to the inclusion of that and therefore I think that after the Second Reading we will follow the procedure you have just mentioned.

*Mr. Speaker, Sir, I would like to comment on the points raised by the Minister here—

Mr. Anyien: On a point of order, Mr. Speaker, Sir, you ruled that in this particular respect Members are restricted to speaking according to the scope of that Bill. Mr. Speaker, Sir, I thought that when a Bill was being discussed in the Second Reading that that was when Members could bring in some suggestions, and if the Minister sees them as worth anything then he can include them himself to introduce this amendment when it comes to the Third Reading.

The Speaker (Mr. Slade): That is so, as long as the amendment suggested by the hon Member or by the Minister is still within the scope of the Bill. You see, many amendments can be made which are within the broad scope of the Bill. In this Bill, dealing with shops and hotels, many amendments could be made in the Bill which are within the scope of the Bill. It is quite common, in a debate of a Second Reading, to suggest amendments within that scope to be made in Committee. But even the Minister himself could not move in Committee amendments which extended beyond the scope of the Bill, unless the House has passed a Special Instruction to the Committee to consider enlarging the Bill. That is done by Motion for a Special Instruction, after the Bill has been read a Second Time to extend the limited scope which has been approved in principle by the Second Reading.

Mr. Jahazi: Mr. Speaker, Sir, I would like to comment upon what the Minister has just told us in his speech introducing this Bill. I would have expected the Minister to give some reference to the tribunal, which will hear the appeals where only a certain basic condition should be followed when they come to consider the right in a case, because I do not know what type of people they will be, whether they will be very experienced people who know about ratings and how to charge for the rents, whether they will be laymen like me or whether they will be landlords. I really do not know. However, I see the danger whereby laymen will be put on a job of which they have no experience about. The Minister has not given any basic guidance on which conditions they will base their judgment. When the Minister replies, we would like to know what type these people will be and what guidance, if any, they will have from the Ministry in considering whether the rents are reasonable or not.

Mr. Speaker, Sir, the Minister said that when a businessman or somebody goes to rent a house he agrees on a certain rental to be paid monthly, then he cannot appeal afterwards because he had agreed originally to that rent. Mr. Speaker, I want to warn the Minister about the danger that there are so many tricks which

have been formulated just to keep the African away from the very business areas, and if an African wants a shop in a certain area, of course when it comes to the agreement the landlord has the right to name any amount. If this man really wants that place, he will of course agree to that rent, although he may know that it is excessive, because if he does not he will not get it. If there is no chance for that man to appeal, after one month it is wrong, because if there were a chance for him to appeal, he would say, "All right, if you are charging the Sh. 1,000, I agree," and then after one month he would go to the tribunal and say that he agreed but that was forced to do so because if he agreed but that he would not have got the shop. But if the Minister says that if somebody agrees to a certain figure, then that figure cannot be taken to the tribunal, then, Mr. Speaker, I would ask the Minister to reconsider that point when he comes to reply.

Mr. Speaker, Sir, when the Minister was giving warnings to the landlords not to increase rents, as far as one year back, he was doing it in a very tough manner and we expected him to be very tough on the landlords, but now, Mr. Speaker, there is no mention as to whether that standstill in rents would be affected, because I still remember, Mr. Speaker, when the Minister was giving warnings to landlords not to increase a single cent until this Bill comes out, but the landlords took that opportunity to increase rents, knowing very well that the Minister may bring something to cut down the rents. They knew that the Bill would perhaps take one year, and they realized that by the time the Bill comes the rents will be so high and the present amount people are paying will be regarded as standard. If people agreed to the rents they are paying now, they cannot take these cases to the tribunal because most tenants must sign an agreement for one year, two years or three. If these people are committed to their present high rents, then this Bill will not be effective at all because any this Bill will not be effective at all because any one, before he moves into a shop, must agree that he will pay a certain amount per month and if it is excessive, of course he has no way to if it is excessive, of course he has no way to take that landlord to the tribunal. So I do not take that the Minister will bring these blood-suckers to the tribunal which he has set up, because on one hand he has opened the door for people to take their grievances to these tribunals or courts and on the other hand he has closed the door because anyone who has already closed the door cannot take the case to the tribunal, unless I misunderstood him. I will be prepared to get a little explanation from the Minister because I see him rising to explain.

[The Minister for Commerce and Industry] in rent book. In this rent book, he will put down all the conditions involved, as well as the relationship between the tenant and the landlord. We also felt that some type of conditions should be considered in the verbal or written agreement between the tenant and the landlord. One of them, for example, is that the lessor shall not depart from his agreement by using adjoining land or premises in a way which would render the leased premises less valuable for the purpose for which they were let. In other words, somebody may rent you a shop and then when he wants you to go he can create such situations so that you will have no alternative but to leave. We feel that that kind of a situation should not be allowed, and we feel that this should be an implied condition of the tenants and landlord agreement. There was a clause that the premises should be in accordance with the health requirements of our country and that, if by accident, buildings were destroyed by fire or accident or such other situations, the lessee should not be expected to pay until such time as the premises have been repaired and made habitable and useable again. We have such implied conditions to make sure that whether the agreement is verbal or not, these conditions will be considered as binding.

Now, what we have felt is this. Generally speaking, a tenant wants a certain building and he is willing to pay a certain amount of money, and the landlord is willing to let him have that building for that amount of money. The agreement is made if the tenant is willing to pay and the landlord is willing to accept that amount of money. But, if tomorrow the landlord wants to increase the rent, then this is where we come in and we say no. If the tenant wants to object he can then appeal to a tribunal and say that they agreed on such and such a sum, and that he cannot pay a higher sum. Would the tribunal look into this matter?

The tribunal is given very wide powers even in determining the rent when such controversies do arise. Now, it has not been necessary to make this law applicable to every village in this country and every township in this country. Therefore the Minister in charge is empowered to define definite areas in which this law will apply and areas in which it will not apply if it is felt, for example, that nobody is raising any building in village X in Muranga or in Kisii, then you do not therefore have to set up a tribunal which will have no complaints at all. This is to enable the Government to set up tribunals in those areas where we think it is absolutely necessary to have a tribunal to look into this matter.

Now, one other point which I wanted to draw the Member's attention to is that it will cost the Government a small sum of money, about 16,500. It took us time to try and work out figures in our various budgets to be able to provide for this sum because the tribunals would have to be paid. Although there may be very small fees to be paid by those who take their cases to the tribunals, nevertheless Government must also be prepared to meet that additional expenditure.

I think, Mr. Speaker, that these are the main points which I would like to bring to the notice of the House and I beg to move that this Bill be read a Second Time.

The Assistant Minister for Finance (Mr. Okello-Odongo) seconded.

(Question proposed)

Mr. Anyleni: Mr. Speaker, if there is a Bill which we have for a long time waited to discuss, this is the Bill. Though I do not very often congratulate this particular Minister for his Bills, I must congratulate him for this particular one because I think he has received some complaints from some of our African brothers who also would like to reap the fruits of independence by participating in business. But, Mr. Speaker, I would like to say that the Minister should have made the Bill go further. The tribunal should not merely decide how much money an individual is going to have. We have situations, for example, in Tanzania where the Government is all the time giving warnings to people like this. These people have not done anything. What I would have liked the Bill to do is that if there is any notorious—and I hope the Minister is listening to this—landlord who has any discriminations—and these discriminations are there—for example, I know in Kisii District, some shops which Asians used to rent. They used to pay about Sh. 300 per month. When the Asians left and Africans wanted to rent this building, they were asked to pay Sh. 600. Of course, he also wanted to come to town and do business, so he had to pay Sh. 600 or he could not do business. We would like to know whether the decisions of the tribunal could demand a man like that should repay all the money which he has received for the last, say, one year. In other words, Mr. Speaker, I am indirectly asking the Minister to think of ways and means of making this Bill work retrospectively so that some of our people who have been exploited, from the time the Minister gave the warning, will be able to recover their money back. The Minister gave all these people a warning—I think he gave it during the warning quite early—at the time of independence and some of the landlords have been trying to

[Mr. Anyleni] collect as much money from people who stay at their places as possible. The Minister should disappoint these people by allowing the Bill to work backwards about one year or two years so that some of that money which they have collected, ignoring the appeal of the Minister, will be taken back and repaid to the owners. If the owners are people who have already gone to some other countries, then that money can remain in the Government's hand to help the Government to provide some services.

Mr. Speaker, we would like also to know if there are some people who do not want to listen to what Government is saying. We would like Government to take the steps that the Tanzania Government have said they will take, that is, if there is a notorious man, a notorious landlord who does not want to listen, Government will take over his building and will rent it to somebody themselves. This, I think, would let some of these notorious characters who own buildings know that it is better for them to receive a little bit of money per month than to receive too much, so that the Minister for Commerce and Industry will come and take over the whole thing.

Another thing the Bill should have done was to make sure that we do not have one man owning all the buildings in Nairobi, and that very man staying say, in Bombay or London. I do not think there are very many of them from New York, I do not think there are. They have not done enough here, they came only recently. I think that some of these landlords stay in Bombay, in Karachi, and so on and in London, and even in South Africa. My hon. Member is reminding me, thank you very much. The Bill should be able to stipulate that if the owner of the building is not a citizen of the country, and he has already gone away from the country, then the tribunal should have the power to take over some of these buildings so that Government will rent them to the people, then the Government will have money to provide services. For example, Mr. Speaker, that money could be given to my Minister for Social Services so that he can help some of our followers who are sometimes very hard hit.

Mr. Speaker, when I say this some people may say, "Oh, well, he is probably jealous of these people and their buildings." But it is not fair for a landlord who was here, let us say, thirty years ago, who has gone to India and he may have died, and some relative of his has taken over, to ask money from Kenya every month. My Minister is staying in his house, he is paying

Sh. 1,000 and every month this money goes through Barclays Bank or through the Standard Bank back to India." This is not fair, not fair at all. We think that our Government should make sure that we do not have our money going out all the time. I hear one hon. Member saying that some of this money goes to China. I would like to know what part of China he is talking about. If he is talking about Taiwan, I do not know if it has anything here of that sort. If he is talking of the mainland of China, I do not think the Chinese have any buildings here. I do not think they are the landlords of any buildings here, and unless he wants to create a fear of the Chinese, or unless the Member has a particular hate for the Chinese, he must be able to say so. I do not think they have any property here. I do not think even anybody should blame the Americans because they do not have enough buildings here around Nairobi which we rent. These are buildings normally owned by people who have now gone, probably, to South Africa or to India or to London.

I saw that when I was speaking the Minister was nodding his head, and I hope that with the approval of this House, the Minister will be able to introduce some amendment which will make sure that if a person has a building and that person has decided that he is not going to become a Kenya citizen, he is given two or three or five years to get money out of his building. After that, that building must belong to the Kenya Government so that it can rent it or can give it to an Assistant Minister who does not have a house. I do not think anybody should say that this is expropriation.

Also some of the buildings Government can rent to the Members of this House who are staying in hotels and are paying bills which are far too high, and sometimes they cannot afford to pay them.

The Minister has said, Mr. Speaker, that if a tenant was accepted into a building and the agreement was that he should pay, say, Sh. 200, and then after three months without any notice, without negotiations, he is meant to pay Sh. 600. This matter could be brought to the tribunal. I think the Bill should go further because what the tenant and the landlord have agreed upon is here. The Minister should also be able to recognize that sometimes an African in the countryside works very hard and gets about Sh. 20,000. He is not very acquainted with what is going on in town, so when he goes to an Asian and tells him he would like to have a shop there, the Asian may tell him, "You pay Sh. 1,000." This African—and my Minister must also know very

[The Vice-President]

the Member on this particular amendment Motion which was moved by the hon. Member for Gichoya, I would request that we call upon the Mover to reply.

Mr. Anylenk: On a point of order, Mr. Speaker, I think there is some misunderstanding. I have had a few Members asking what point we are discussing now. I think we are discussing the Bill which has to do with evicting people from the land who have failed to pay their debt. Is that all? Now what amendment are we discussing the original amendment as proposed by Government or are we discussing an amendment as proposed by another Member?

The Speaker (Mr. Slade): We are at present, as I explained discussing the amendment moved by Mr. Gichoya which would have the effect of killing the Bill. The actual question before the House is that the word "now" be left out of the question. I do not think I should allow the House to consider the closure immediately. I must hear if Members still want to speak on this.

Mr. Anylenk: Mr. Speaker, on the day we were discussing this, very many Members did support the hon. Gichoya for his move of killing the Bill and we accepted the suggestion from the Vice-President that this Bill should be put back for another date.

The Speaker (Mr. Slade): I am sorry, Mr. Anylenk, you have already spoken on this, have you not?

Mr. Anylenk: I am speaking on the adjournment of the Motion not on the Bill.

The Speaker (Mr. Slade): For the third time, I have told the House that the question now before the House is that the word "now" be left out of the question the amendment, not the Motion. We have finished with the adjournment. The debate was adjourned, and it is now being continued. Mr. Anylenk seconded this amendment.

If no other Member wishes to speak I have first of all to put the question of the amendment.

(Question of the first part of the amendment that the word "now" proposed to be left out, be left out put and negatived)

The Speaker (Mr. Slade): I now have to propose the original question, that the Agriculture (Amendment) Bill be now read a Second Time. *(Resumption of debate on original Motion)*

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order,

Mr. Speaker, since we spent quite a lot of time debating this question, could I move that the Mover be called upon to reply?

The Speaker (Mr. Slade): If no other Member wished to speak on the amendment, I think that is quite reasonable for the House now to consider the closure.

Mr. Anylenk: On a point of order, Mr. Speaker, when we spoke last time we were speaking on the amendment, but did we speak on the Bill?

An hon. Member: Yes.

Mr. Anylenk: It is for the Speaker to reply, not for any hon. Member.

The Speaker (Mr. Slade): You are quite right, as I have said many times, that when a point of order is raised, the House will remain silent until it is answered. There is no dignity in this House otherwise.

When an amendment is moved, it is for the Speaker to say whether or not it is to be treated as part of the debate on the main question, or that any Member can speak both on the amendment and the main question, but not speak more than once. Or, it can be treated as something separate, in which case the debate is confined strictly to the actual amendment, but Members may speak again on the main question. Now, in this case, where the amendment is actually a negative of the main question, that which means that Members speaking on the amendment can speak on the Bill, but they can not speak again after we have disposed of the amendment. So, those who have spoken on the amendment cannot speak again.

The Minister for Economic Planning and Development (Mr. Mboya): I will put my question again, that the Mover be called upon to reply under Stopping Orders.

(Question put and agreed to)

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I would like to thank the hon. Members for this amendment they have taken in the debate on this Bill, because the amendment subject of land, is leading to a very interesting thing, and it is regarded as a very important view that is appreciated by the Government the views that the hon. Members have aired in this House, and those points that have been aired have been noted and some of them will be considered. It is very important, Mr. Speaker, that since all the money with which we are operating the settlement has been borrowed from other

[The Assistant Minister for Lands and Settlement] countries, this money should be repaid. This money cannot be repaid if our people to whom this money is lent, and who this money is helping, do not repay it. It is very difficult for the Government to repay the money to the foreign Governments from which the money has been borrowed, and this is precisely what we want to do. This money is also intended for the operation of for the assistance of other settlement schemes, and the assistance of a Revolving Fund and that is why I ask the hon. Members to appreciate our position and the position of the Government so that this Bill may be passed, and so that the operations of the settlement may continue and we may help more people.

Once again, Mr. Speaker, I would like to repeat that I thank the hon. Member who brought into this House several points that probably the Government was not aware of, and my Ministry was not aware of, and I can assure the hon. Members that most probably the most important points that have been raised in this debate by hon. Members will be very seriously considered.

Therefore, Mr. Speaker, I beg to move.

(Question put and agreed to)

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

BILL

Second Reading

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker Sir, I beg to move that the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill be read a Second Time.

Mr. Speaker, Sir, I fully appreciate the feelings of many Members of the House for what will be charged later as lateness in introducing this Bill to the House. It was nearly a year ago when my Ministry appointed a working party to look into this question of rent, and to examine the complaints by many tenants that they were being exploited. This working party consisted mainly of some representatives from the business community as well as Government officers, and they did find that there was a need for re-introducing some form of rent control in our country. They recommended, therefore, that the

rent control which was passed previously should be re-introduced with some amendments to it.

Mr. Speaker, it is important to know why it was felt that this rent control should be introduced. When the working party's report was received by my Ministry it was put to the Government and the Government accepted the recommendation. Some of the reasons why we felt that this should be done is that, that when people were looking for premises to let, they were often asked to pay what is known as goodwill money. In some cases, this goodwill money could be as much as Sh. 25,000. Now, I am informed by an hon. Member that they are still paying, and we hope that when this Bill is enacted this practice will come to an end. When we inquired why somebody should pay up to Sh. 25,000 cash, the purpose of this could not be explained except for goodwill or to enable them to get particular premises. This could be construed quite legally as a form of bribery or corruption. Furthermore, it was very difficult for the poor tenants to be able to produce such a large sum of money and then continue to pay rent which was not very low.

Then we come across a situation whereby in one month one tenant would be asked to pay Sh. 150, and the following month without any notice of it going up, the tenant was told to pay Sh. 200. In one case, in December last year somebody was asked to pay Sh. 1,500 and the following January he was asked to pay 2,000. Of course, when he failed to pay this sum it meant immediate eviction. We have felt, therefore, that if we do not intervene in these situations, the tenant will find himself in many difficulties.

Furthermore, Mr. Speaker, in some cases the agreement between the tenant and the landlord was verbal, and it was never quite agreed as to what they agreed upon. Therefore, at the end of the month when the landlord demanded some money, the tenant said that the landlord had not mentioned that much, and the landlord said that that was what he had asked for, and so there was an argument. Following the argument, there came the eviction and bad relationships between the tenant and the landlord. We do not think that the landlords are wrong, neither do we think that the tenants are right. But, a situation has existed in our country whereby generally speaking the tenant was the sufferer.

We have, therefore, decided on a number of points, which I hope that the Members on reading the Bill, and also the report made to my Ministry by the party working party, will fully understand. In one of them, to avoid this sort of thing, we have felt that each landlord should

[The Attorney-General]

The hon. Member asked whether the Electoral Commission's recommendation would be implemented before the next dissolution of Parliament. The answer is that clause 10 (6) requires the Commission to make a review this year. If Parliament is not dissolved sooner, it will stand dissolved on 7th June 1968. That will allow two and a half years for the recommendation to be implemented.

The independence Constitution was a large and complex document. Now that it is being amended for the third time, it is in some ways even more difficult to find out what it does say and what it does not say. Most of the anxieties of the hon. Members have now been cleared away by the explanation of exactly what the Constitution does now say. I trust that hon. Members are reassured that the safeguards of our liberties in the Constitution are intact and that the authority of Parliament under the Constitution is now higher than ever before.

I might, before I conclude, Mr. Deputy Speaker, perhaps refer to the question which was raised by the hon. Mr. Khalif on the question of the Senate and the rotation.

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

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

If the hon. Mr. Khalif will remember, the position of the Senators and the way that they rotate was passed by this House last December; in fact, we had a very lively and heated debate in the Senate and the Senate passed that Bill. It is now an Act. The reason why you see it in this document is so that when we come to revise the whole Constitution that part of it will fall in line with the rest of the document. If it were not put here, you would probably find it at the end of the book. It is merely to codify and provide for sequence, so that you run from one to ten instead of jumping from one to six and then twenty, etc. That is why it is here. It is already law and what has taken place in the Senate is legal and constitutional.

Finally, Mr. Speaker, I look forward to the day, not too far distant, I hope, when I can present the Constitution to Parliament for approval in one concise and readable document. This Bill is an important step in that direction and I trust that all Members will therefore give it their full support.

Mr. Speaker, I beg to move.

Mr. Makone: On a point of order, Mr. Speaker, in view of the fact that some hon.

Members made reference to the method of election of the President I would like to enquire if the Attorney-General forgot to bring to questions raised by hon. Members?

The Speaker (Mr. Slade): You cannot really raise that as a point of order, Hon. Members cannot raise points of order on what they think the Minister should have answered, or the Mover should have commented on but has left unanswered.

The Attorney-General (Mr. Njonjo): Mr. Speaker, if I might say this to the hon. Members: the question of the President and the election is now law and was passed last December. I know there have been comments and views about the way that the President should be elected but that is already law and I am afraid it is not touched under this particular Bill.

The Speaker (Mr. Slade): I now have to put the question which is, that the Constitution of Kenya (Amendment) Bill be now read a Second Time.

DIVISION CALLED

The Speaker (Mr. Slade): This being a Bill which can only be passed with a majority of 75 per cent of all voting Members of this House, which is actually ninety-seven Members as we stand now, I cannot take the Ayes and Noes orally. I have to direct a Division.

Ring the Division Bell.

(The Division Bell was rung.)

The Speaker (Mr. Slade): Before we go any further I would like to make sure that we have at least ninety-seven Members present otherwise the Division would be abortive. Can the Clerk tell me the number present? I will wait until a check has been made.

Mr. Kilunga: On a point of order, Mr. Speaker, would it be in order for you Sir, to allow the Chief Government Whip, because he has been out calling people? He must be somewhere around, but does not seem to be here.

The Speaker (Mr. Slade): No, that would not be in order unless we are short of the minimum required for the Division.

It appears that we do not have the minimum number to make the Division effective at all. I think we will open the doors and Bar again and ring the Division Bell for a few more minutes.

Ring the Division Bell for another five minutes.

(The Division Bell was rung again.)

The Speaker (Mr. Speaker): Order, order. Lock the doors and close the Bar. We will count again to see if we have the minimum number required to make the Division effective.

Mr. Gatuguta: On a point of order, Mr. Speaker, when some Member is summoned out of the House to remain outside for a stated period, can anything be done to bring him back at such a time?

The Speaker (Mr. Slade): No, I am afraid not. Hon. Members may sometimes be expelled from the Chamber but they can never be forced to come into the Chamber.

I understand that we have not yet got the minimum requirement of ninety-seven Members, and in that case we cannot proceed to a Division in this particular case. I think the only thing to do is to postpone the Division until a fixed time. I think the best time would be to have it on the Order Paper immediately after Questions on Tuesday next, the 27th April.

Mr. Ngala: On a point of order, Mr. Speaker, I rise for your guidance. When the House fails to get the appropriate percentage on a major issue like this, at the appropriate time when you call for it, does it not die naturally and, therefore, the amendment is negatived?

The Speaker (Mr. Slade): I have had to face this question before, and it is a good one. The Constitution provides that the Bill cannot be carried unless it is supported by a specific percentage of all Members. So, I feel we are not taking a proper vote at all until we have at least that percentage in the House. The moment you have that percentage in the House then, of course, the fact that one of two of that percentage may vote against the Bill would not be justification for delay. But it is so obviously abortive if at the start we do not have the requisite number of Members. I think I am right in giving the House an opportunity of obtaining the minimum to make a vote possible, constituting, as it were, a special quorum for this purpose.

(Taking of Division deferred.)

BILL**Second Reading**

THE AGRICULTURE (AMENDMENT) BILL
(Minister for Lands and Settlement on 3rd March 1965)

(Resumption of debate on first part of the amendment that the word "now" be left out interrupted on 4th March 1965)

The Speaker (Mr. Slade): Hon. Members will recall that in the previous stage of the debate on the Second Reading, Mr. Gichoya had proposed an amendment that the word "now" be left out of the question and that the words "upon this day six months hence" be added. The question proposed before the House was, the first part of that amendment, that the word proposed to be left out be left out of the question.

The debate was adjourned on the Motion of Mr. Odinga and, according to the rules of procedure, Mr. Odinga, as he successfully moved the adjournment, is entitled to speak now if he wants to speak at all.

The Vice-President (Mr. Odinga): Mr. Speaker, we actually requested the adjournment in order to give the Members a chance to meet and discuss this particular amendment Bill which the Ministry concerned and by now I am sure that the discussions have reached a stage where we can continue with the Bill—

Mr. Rurumban: On a point of order, Mr. Speaker: In view of the fact that we failed to get a sufficient percentage to pass the Bill and some of us are to leave for Great Britain, probably on Friday, may I seek your guidance as to what will happen now with regard to the journey?

The Speaker (Mr. Slade): Order. I am afraid I cannot rule on what arrangements hon. Members have made for their movements outside this House. I am only concerned with what numbers we require to obtain for particular business. It is for the hon. Member to decide whether or not his presence on Division is more important than the journey he has in mind.

The Vice-President (Mr. Odinga): May I comment on that also, Mr. Speaker?

The Speaker (Mr. Slade): I think not, Mr. Odinga. Not now. Outside the House perhaps you will advise Mr. Rurumban.

The Vice-President (Mr. Odinga): So, Mr. Speaker, as I only interrupted the debate which was going on on the question of actually putting off the Bill for six months. I think that there is very little that I can add, but I only thank the hon. Members for having considered it and having actually been able to see eye to eye with us on this particular very important amendment Bill and therefore without wasting the time of

[The Attorney-General]

I now turn to Chapter XII on the Judiciary, Parliament, and the Government are equally anxious to maintain the independence of Judges. This the Government has done and will continue to do inside and outside the Constitution. All we have done in this Bill is to abolish appeals to a Court in Britain called the Privy Council or the Judicial Committee. Everyone accepts that this must be done. By the same token we must cease to use the Judicial Committee as a tribunal to consider any allegation of misbehaviour by our own Judges. I wish to emphasize that this change is made in the Constitution by this Bill to weaken the independence of the Judges of Kenya. A Judge of the High Court, as it will in future be called if this Bill is passed, can only be removed from office on the recommendation of a tribunal of not less than three Judges or former Judges of equal or higher standing than the Judge in question. No other changes of any substance are made to the chapter in the Constitution on the Judiciary.

In the debate on this Bill, Parliament has been particularly sensitive, and not unreasonably so, about its own position. The Bill does affect the powers of Parliament in three respects. Firstly, in relation to the power of Parliament to ratify a declaration of emergency under section 29. Secondly, in relation to the power of Parliament to amend the Constitution under section 71, and thirdly, in relation to the power of Provincial Councils to make laws generally, and particularly in regard to Trust land. If these powers are carefully examined, it will be seen that in each case the real effect of the amendment is to increase the sovereignty of Parliament; and not to diminish it.

Firstly, in the matter of an emergency, the Constitution is limiting the sovereignty of Parliament to the extent that only 65 per cent of all the Members voting together can ratify an emergency. The purpose of this was not to protect the people against a dictatorial Government, it was to protect *Majimbo* against Parliament, so that an emergency would not lightly be used to curb the powers of the regions. Even now the votes of 51 per cent of all the Members will be required to maintain a state of emergency. It is most unusual for a Constitution, except where the rights of federal states or regions are being protected, to require emergency Government action to be ratified by more than a simple majority. Why should we not have as much faith in our Parliament as any other country has?

The other amendment to section 29 is that the Government should be allowed twenty-one days in which to convene Parliament, instead of seven days. I am sure that hon. Members will appreciate from their Parliamentary experience that seven days is too short a period. Some hon. Members may feel that fourteen days is sufficient but if fourteen days is justifiable, do hon. Members really feel that an extra seven days is going to enable any Government to delay Parliament? Because unless Parliament is put out of action, no state of emergency can lawfully continue for more than twenty-one days without the approval of this Parliament.

The second amendment affecting Parliament is the proposal that all amendments of the Constitution under section 71 should be capable of being made with the support of 65 per cent of all the Members of both Houses of the National Assembly. Here again the proposal is to increase the power or sovereignty of Parliament and to reduce the extent to which that sovereignty is limited by the written Constitution. The requirement of 75 per cent and 90 per cent majorities was intended primarily to protect *Majimbo* and, secondly, to protect those provisions which safeguard the fundamental rights and independence of the judiciary. In the case of an unpopular conception like *Majimbo*, one can see the point of trying to protect it by requiring 75 per cent and 90 per cent majorities, but in the case of fundamental rights and an independent judiciary, if those rights and principles are not popular with 65 per cent of all the hon. Members, how long will it be before they become unpopular with 75 per cent or even 90 per cent of the House? Why should we not trust 65 per cent of all the hon. Members as other countries do?

The third set of amendments affecting Parliament should not be anything but welcome to a Parliament which has pride in its sovereignty. The proposed new sections 102 and 102A provide that Parliament shall decide what powers the Provincial Councils shall have and that, where the Constitution confers power to make a law on the Provincial Councils, Parliament shall have a concurrent power to make laws. In the case of inconsistency, the law made by Parliament must prevail. This is nothing but the logical consequence of the decision already made by this House to abolish *Majimbo* as a rival power to this Parliament. Again, it is proposed that Parliament and not the Provincial Councils should have the power to make laws for supervising the county councils, in the administration of Trust land.

There has been some misunderstanding, Mr. Deputy Speaker, due to the proposed deletion

[The Attorney-General]

of some provisions relating to Parliament. Those provisions—in particular sections 67-70—merely qualify the powers of the regions. Now that the regions have lost their exclusive powers, these sections are wholly unnecessary. Are we to leave them in the Constitution as a useless relic to remind us of *Majimbo*?

I invite hon. Members to examine the position of Parliament under this Constitution as amended by this Bill. Section 66 (1) states, "Subject to the provisions of this Constitution, Parliament shall have power to make laws for the peace, order and good government of Kenya or of any part thereof." "Subject to this Constitution" used to mean subject to all the extensive powers of Regional Assemblies to make laws regarding education, health, agriculture and all the matters in Schedule I of the Constitution. Now it means subject to the concurrent powers of the Provincial Councils to make laws for matters which, in the main, are their own domestic matters.

It is also proposed to simplify the provisions of Chapter VI of the Constitution on the subject of the Provincial Councils. These proposals have provoked a number of criticisms from the hon. Member for Kilifi and other hon. Members. I must reply, with all due respect, that such matters as the salaries and allowances of members of Provincial Councils and the relationship of Provincial Councils and public servants in the provinces are not constitutional matters. I appreciate the concern of hon. Members in all these matters, but I will appeal to them not to impede the task, difficult enough as it is, of simplifying the Constitution, by introducing questions which, however important, must be taken care of at another time and in another context.

I shall refer to some of the other points made in the debate by hon. Members. The hon. Member for Kilifi suggested that it was dangerous to empower the Minister for Natural Resources to designate central forests. The hon. Member should know that the Minister has always had this power under the Constitution. It used to be in item 2 of the Second Schedule to the Constitution. This power is very necessary.

The hon. Member suggested that the Government should not be allowed to set apart Trust land without in every case consulting the chairmen of the Provincial Councils as well as the county councils. I reply that it is nonsensical to preserve such an inflexible rule. The setting apart may be for a purpose which is not a responsibility of the Provincial Councils at all, such as road construction. The Government can decide

in which cases there is need to consult the Provincial Council as well.

The hon. Member also suggested that the law relating to transactions in agricultural land—Part 3 of Chapter XII—should remain in the Constitution, but no other Constitution contains provisions of this kind. This is part of the ordinary law, it is not constitutional law. It cannot be changed without the approval of Parliament.

The hon. Member for Kandara alleged that the emergency in the North-Eastern Region was continued illegally because it had not been periodically ratified by Parliament. The hon. Member should know that section 19 of the Independence Order in Council has always authorized the Head of State to make special or emergency provision for the North-Eastern Region. Regulations under that section have been in force for one year already, and this power can only be exercised in the North-Eastern Region where this country, I think hon. Members will realize, is at war.

The hon. Member for Majog-Bassi criticized the proposed amendment to section 60 which will permit the Government to propose amendment in the Senate to financial provisions of Bills. This, he thought, was a waste of time. Of course, it would be ideal if every Bill proposed by the Government was perfect, but occasions have arisen and will arise where there is need for amendment after the Bill has left this House. This is a recognized virtue of the two-Chamber system that the second House can be used for Government amendments. There is no good reason why the Constitution should be so inflexible as to prohibit this.

The hon. Member was alarmed that clause 8 of the Bill covers the prerogative and privileges of the Crown, or rather which used to be exercised by the crown in Kenya, on the President. I can relieve the hon. Member's mind of his anxiety. These so-called prerogatives are not powers to override the law. True, in the old days the Crown made laws by Order in Council for Kenya. All that disappeared on independence. The powers of the President and of Parliament are fully regulated by this Constitution. As the executive authority, the President must inherit the remaining privileges which used to be exercised by the Crown. These are subject to the Constitution and the law. The hon. Member should ask himself what these powers are today. There is no prerogative power to make laws or to interfere with property or liberty. It is nothing more than the necessary attributes and dignities of the Head of State.

[Mr. Bala]

future President will be a President who does not only represent his place of birth and that is his tribe. So far, we have noticed certain things going on in Kenya which can give us certain suspicions, that our present President might probably have certain advisers who only give him advice that only people who are close to him can have top posts in Kenya. For instance, we have had appointments in consultation with the President: the appointment of the Chairman of the Central Road Authority, the appointment of the General Manager of East African Railways and Harbours, the appointment of the Leader of Youth, the appointment of the Chairman of the Transport Licensing Board and the appointment of somebody in charge of the whole of the Police Force.

Now all these people come from one district, and that is Kiambu. Is that the sort of Government which you are going to support? Is this the sort of President you are going to have in Kenya?

Now, that fact remains. When we have a President in Kenya—

The Deputy Speaker (Dr. De Souza): Order, order. Mr. Bala, we are discussing the amendment on the Constitution Bill and while I agree that a certain amount of reference to the Government, particularly in view of the extended powers given to the President, are justified, I would not accept this as a full speech in which you are going to tell us all about the defects of the Government. So confine yourself primarily to the Constitution Amendment Bill and any arguments you bring to this Bill or about the Government you must relate them to a particular section or provision which you are in fact referring to.

Mr. Bala: Mr. Deputy Speaker, I quite agree with your ruling, but people must be honest in this country if we want to run this country effectively. Recently we had a lot of rumours between the Vice-President and the Government and between certain Ministers. Now when we give a lot of powers, say, to our President, surely we do not want these powers to be misused. These powers should really be treated properly because everybody fought for the independence of Kenya and nobody can deceive himself in a corner somewhere in Kenya that he is the only person who brought independence to this country. So many of our youth were arrested, so many were taken into prison, so many were beaten up and after getting this independence, we should not only have a section of people who

feel that this Government is theirs. The Government is for the people of Kenya and we are entitled to it, but the moment anybody criticizes Government these days, he is termed as somebody who wants to cause a revolution. I can assure this House that nobody would ever think of bringing about a revolution in this country, but if the Government is careless and does not care for the people who put us into power, then a revolution will just come by itself.

My last point, Mr. Deputy Speaker, is the question of Regional Assemblies. I do not see why the Government should retain certain people and pay them over Sh. 1,000 as chairmen of the Provincial Councils, when all their powers have been withdrawn. This is one way in which I think the Government will be wasting its money. Either the Government scrap completely the Regional Assemblies, or give them a few jobs to do. The chairmen are still getting salaries for the information of the Member for the Coast.

Mr. Deputy Speaker, I do not have very much more to say on the Bill, but when the Minister is replying he should give us proper definitions and explain clearly, state the functions of the provincial commissioners and the provincial chairmen, who were actually known as chairmen of the Regional Assemblies before. I do not know who has more power, or who has less power. I have gone through this Bill, but I did not see any more definitions in the Bill given.

With these few remarks, Sir, I beg to reserve my support or opposition.

The Vice-President (Mr. Odiga): On a point of order, Mr. Deputy Speaker, I beg to move that the Mover be now called upon to reply.

The Deputy Speaker (Dr. De Souza): I think this Motion mainly concerns the House, and it is for the House to decide whether in fact the time is right.

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I first of all want to deal with the point which was raised by my friend for the North-Eastern Region, Mr. Khalif. If he had listened to the one o'clock news today, he would have heard the announcement by the Government regarding the position of the former members of the Regional Assemblies. It is not my duty here to say what the statement was about, but all I can say is that it was to the advantage of the members of the former Regional Assemblies. Mr. Deputy Speaker, this Bill has

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[The Attorney-General]

is one more controversy and debate than in fact it deserves. Most of it is concerned with cutting away the dead wood and transplanting it to the field of—

Mr. Anyieni: On a point of order, Mr. Deputy Speaker, I thank the Attorney-General very much for sitting down. The point I want clarified was that a lot of Members have asked that the members of Regional Assemblies should be paid and some Members are even scared of voting for the Bill because they fear that if they vote for the Bill, members of Regional Assemblies may cut their fees. So if the Attorney-General now is saying that the Government has made a statement, we should like this statement to be made very clear to us so that we do not have to fear now in voting for the Bill.

The Attorney-General (Mr. Njonjo): I think the Minister for Finance might be able to help.

The Minister for Finance (Mr. Gichuru): On a point of information, Mr. Deputy Speaker, it has been realized that many of these men resigned their jobs and some were teachers, or they had other businesses and therefore to throw them out and leave them in the cold would be very unfair. Therefore something is being worked so that they can be absorbed into various committees of the regions that advise various Ministers from which they will derive some benefits, financial benefits and there will also be meetings held at the minimum of four meetings a year for which they will also be paid their travelling expenses, mileage and attendance allowances. They are not being left in the cold as it has been assumed. The Government is taking care of them and may be before long I shall be able to come here and announce the exact position when it has been decided.

When these people get absorbed into various committees, they will be getting something which will be much more than what they ever had before.

The Attorney-General (Mr. Njonjo): I hope my friend Mr. Anyieni will listen to the news this evening and pay attention.

As I was saying, Mr. Deputy Speaker, most of the amendments which are proposed in this Bill are concerned with the cutting away of the dead wood and transplanting to the field of the ordinary law and overgrowth of provisions which have no place in the Constitution of a State which no longer has a federal or regional system of Government. Parliament has asked for a Constitution which is short and readable. This

Bill is an essential step in that direction. But this Bill does make a few important changes to the Constitution. Those amendments do affect the chapters of the Constitution about which Parliament is most jealous, and rightfully so. These chapters are Chapter X on the Judiciary, Chapter IV on Parliament, and Chapter XII on land. I will, before replying to the particular points made by hon. Members, indicate just what changes are made and what changes are not made.

Mr. G. G. Karuki: On a point of order, Mr. Deputy Speaker, since the reply from the Attorney-General is very important, it is not in order if we ring the Division Bell to enable Members to know that the Minister is replying?

The Deputy Speaker (Dr. De Souza): Actually the Serjeant-at-Arms normally announces over the loud-speaker who is speaking and it would certainly be quite wrong and out of order to ring the Division Bell when any particular Minister is speaking, even though I do appreciate that this is very important. It would create a very bad precedent in future if everybody else would want to have it.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, again, as I was saying, I would like before I deal with the particular points raised by hon. Members, to indicate just what changes are made and what changes are not made to those important chapters of the Constitution. Only one change is made to the fundamental rights of individuals. Section 25 which guarantees freedom of movement in Kenya is to be changed so that it will in future apply only to citizens of Kenya and not as before to certain non-citizens. It is not usual in any Constitution to guarantee this freedom to persons who are not citizens. This unusual feature of our Constitution is due to the fact that certain resident non-citizens have a right to register as citizens before 12th December next. They have had fifteen months in which to do so already. We have no particular wish or need to restrict the movement of non-citizens, but sooner or later section 25 must be brought into line with the usual Constitutional practice, and now is a convenient and a reasonable time. I repeat this explanation because I wish to state most emphatically that after this Bill has been enacted, the protection of the freedom of individuals will be as extensive under our Constitution as under any other constitution in the world, and far more extensive than in most. The Government has given its pledge to preserve this Chapter of the Constitution, this Bill of Rights, and it has done so and will continue to do so.

[Mr. Mbohob]

Constitution, but I would have thought that 66 per cent would have been two-thirds, and that would be quite a fair figure, but if I was there while this was being prepared I would have said that a majority of one is enough and not only the figure 65 per cent majority of two-thirds, I would not have cared for a majority of two-thirds because if only one person is in favour and that is the majority then I would have liked that to be taken as an effective figure.

Mr. Speaker, Sir, I even go as far as to suggest that human beings these days are arguing about boundaries. I have seen people stand here arguing about a boundary. Now, a boundary is something imaginary. Somebody just takes a pencil and draws a line on paper, and people start arguing and saying that they are not crossing it because it is a boundary, but it is their imagination. People start saying this without having any power for doing so. They say that they are superstitious, but this is being superstitious, and I submit that boundaries should be scrapped as soon as possible.

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

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

Mr. Deputy Speaker, I feel that a Constitution which becomes very rigid cannot be tampered with by the Government, or by individuals, and everybody would expect that the changes would be very difficult, and that anything that is expected to be changed would be difficult, because if now the Government finds that people are hopeless and they do not want to abide by the laws of the country, the Constitution which was made by the same people, those people who are now becoming a nuisance are the same people who are coming to change it, and in that case, it would be very difficult for that Constitution to be changed. I will always advocate a good Constitution which can be changed, at any time, with the majority and without going very deeply into funny things.

Mr. Deputy Speaker, I quite agree that the Regional Assemblies were there and they were performing a very good job, but to suggest that they should be paid their salaries even when their duties have ceased to function, is unfair to the taxpayer of this country, and if, at any rate, they have to be paid, the fairest thing would have been to give them three months' notice so that they can clear their debts before their duties cease, because at present some of them are in very great difficulties. They were expecting their pay at the end of the month, and then they are

told that this month they are not going to get anything. They have already taken things on credit and they had to pay. So, the Asians are now following them very closely and telling them that they want their money, but they have no money, so we will find some of them in prison when their pay has been stopped. So, I would advocate a good amount of time for them to pay their debts, and then give them a good warning, and then it would be quite fair to them to get themselves cleared.

Mr. Deputy Speaker, many people may say that this Constitution is becoming soft, but I think it is still too tough for the Government, and I advocate that after this amendment, another one comes in to scrap most of the difficult parts which the Government has wanted to be scrapped, and if it meant scrapping the whole Constitution and ruling without the Constitution, that would not matter very much.

So, Mr. Deputy Speaker, I support the Government on this, and expect that they will hear my words and scrap it all.

Mr. Bala: Mr. Deputy Speaker, Sir, I stand to make some of general observations on this Bill, but before I do so, I must express how much I am sorry to hear the speeches made by the hon. Member who has just sat down. If Kenya was to adopt the attitude which the hon. Member has, I think there would not be any unity in Kenya, and the hon. Member must realize that in this country we have more than forty-one different nationalities, and races speaking different languages who have been persuaded by our Father of the Nation to come together to become one nation. The way the Member is speaking does not actually bring about that spirit, or that sort of feeling which we have been persuaded to adopt.

Now, when we go to the question of this Bill, I have a few suggestions to make. It is quite true that in this country many people are still living in suspicion, and in order to remove this suspicion, we must actually prove by will and by our actions that we are not out for tribalism or brotherization. The moment we do that then we shall remove suspicions which the general people are now feeling, and that is why we, as Members representing the public, are also being brought to such suspicion. You find that we are trying to give the President certain powers and quite enormous powers, but when I say the President, I do not only mean the present President that we have, I do not only mean the President, Mzee Jomo Kenyatta, who we have now, because he has been acceptable to the whole nation, but now when we make changes we must realize that

[Mr. Bala]

these changes or these laws that we make can actually be used by good or bad people, because when somebody has powers at times he might misuse such powers, at times he might use them properly. Now, here we are being asked to amend the days of declaring an emergency without the Parliament authority, from seven days to twenty-one days, and again after twenty-one days, you receive the mandate, the President will have, instead of two months, another three months within which he can use these powers without the authority of the Parliament.

Now, Mr. Deputy Speaker, the recent development this country brings us a lot of suspicion. Recently, we had the General Service Unit in Central Nyanza, when in fact, there was nothing wrong in Central Nyanza. There was only a strife in the Kisumu Township, but we found General Service Units sent to Kisumu and then sent to the reserve only to do one thing, and that was to beat everybody, to beat the women, to beat the old men, to rape our wives, to rape our girls. Is that what we are giving such big powers to our leaders for?

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): On a point of order, would the hon. Member substantiate some of his allegations?

Mr. Bala: Yes, Mr. Deputy Speaker, if I am given time I would give the names of the people who are connected with my allegations.

The Deputy Speaker (Mr. De Souza): That is a very serious allegation to substantiate, so within a week you must bring the evidence by which you made this allegation.

Mr. Malinda: On a point of order, is it not a serious allegation that some of the General Service Unit members went round raping the wives of the people in Central Nyanza and is that not a subject to be substantiated in this House?

The Deputy Speaker (Dr. De Souza): I have said that he must substantiate, but substantiation does not mean to say that he must immediately bring forward the names. He can be given time and I have said that within one week he must bring the evidence, or otherwise he must withdraw.

Mr. Khalif: On a point of order, is there anything within our Standing Orders which suggests or indicates that a point of order can be used to brow-beat hon. Members of this Parliament?

The Deputy Speaker (Dr. De Souza): I am afraid I do not quite understand what you are

saying. Do you mean that some hon. Members are trying to stand up on a point of order to stop Mr. Bala's speech, because if so, nobody is stopping his speech. The only thing is that if he makes an allegation against any individual, or against a Government body like the General Service Unit, obviously he must substantiate and bring evidence for that allegation, or else he must withdraw it. This is the rule of the House, but he must be given time to bring the evidence, because he does not have it in his pocket just now. I have given him a week to do so, and if he cannot do so he must withdraw it.

Mr. arap Tooi: On a point of order, Mr. Deputy Speaker, Sir, I think rapping is something that is very serious indeed, and I think we should not give time to this hon. Member because he must—

The Deputy Speaker (Dr. De Souza): No, I have already ruled on that. I have given him one week.

QUORUM

Mr. Malsori-Itumbo: On a point of order, Mr. Deputy Speaker, I do not think we form a quorum.

The Deputy Speaker (Dr. De Souza): No, we do not have one. Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We now have a quorum. You may carry on, Mr. Bala.

Mr. Bala: Mr. Deputy Speaker, Sir, some Members are worried about my speeches, but I can assure the hon. Members that I am saying what I know and what my constituents have reported to me, that recently we have the General Service Unit who came and beat our people, raped our wives, raped our girls, and this is very serious. Up to now the people of Central Nyanza are very suspicious of this Government. They think something is going on behind the scenes which they do not know about, because they do not think the General Service Unit would be coming to this area for nothing, and the Government is there which they fought for, so there must be something which the Government must tell us in no uncertain terms, that either we people in Central Nyanza are being suspected of something, or if not, the Government is not in the good books of the people of Central Nyanza.

Now, another point which I would like to make in this House is that when we are asked to give more powers to the President, I hope the

[The Speaker]

House to decide that question, whether or not you want the closure at this stage. So I will put the question.

(Question put and negatived)

Mr. Warlithi: Mr. Speaker, Sir, I am speaking towards the end of the debate and therefore some of the points which I wanted to raise have already been raised by other Members.

Mr. Speaker, Sir, I would like to start by saying that a Constitution is fundamental of the land. All other Government department and sections draw their authority and machinery from the Constitution. That being the case, Mr. Speaker, Sir, it is very important, and the Members of this House should be allowed to express themselves and to say what they feel is wrong with the Constitution. I will start by saying that our Government having noticed that the Constitution was unworkable, since the attainment of Internal Self-Government has brought forward many amendments to the Constitution. I think that it should be understood that in any nation a Constitution can only remain as long as the people of that nation want to be governed by that Constitution. When people begin to feel that the Constitution does not reflect the wishes and the ideals of the people of the nation, then it should be amended. Therefore it is only necessary to provide the machinery for the amendment.

Before I come to the section dealing with the various sections I would like to say that I was rather surprised the other day when one of the Ministers said that a Bill of this nature can either be accepted or rejected. Here Mr. Speaker, Sir, it seems that it may be difficult for us to understand the purpose for this debate. If a Bill has to be accepted as a whole or rejected as a whole, and we cannot amend it, then it appears that it might be rather difficult for us to agree to it. For instance, some Members have expressed the desire for the deletion of the first 30 sections.

The Speaker (Mr. Slade): It is actually provided by the Constitution that this kind of Bill to amend the Constitution, has to be passed intact, without amendment, or not at all. That is correct, unless and until the Constitution is amended in this respect.

Mr. Warlithi: Mr. Speaker, Sir, then it was not expected that that particular section of the Constitution be amended, so that a Bill comes for debate, and if the Members are not satisfied with it, they can amend it. Alternatively, there should be a machinery whereby the wishes of the Members are brought to the House before the Bill is brought to the House, or maybe the people in general.

Now to come to specific parts of the Bill I would like to start by congratulating our Government. On page 38, part 4 of the Bill which deals with the Bills Members may know that it is to now the highest Court in East Africa is not the Court of Appeal, for some cases, even for the interpretation of our present Constitution a person could still appeal to the Judicial Committee of the Privy Council, and here I think it is quite proper that our Government, having become a Republic, has found it fit to see that this is removed and that the highest Court of Appeal in our Republic will be the Eastern Court of Appeal. This I think is an amendment which is welcome and which has been long overdue.

Now, Mr. Speaker, Sir, the other section which I would like to deal with, very briefly, is the one which has, I think, been passed by many hon. Members. But I would like to explain one thing which might have been misunderstood. This is on page 36, part 3, dealing with the functions of the Provincial Councils. Here some Members have argued that those who advocate that the members should be paid a salary are those who feel the Provincial Councils should be retained. But Mr. Speaker, Sir, in this Constitution it was part of a compromise, which has been said, between the parties then in the country and there are certain legacies which are going to be left after amending this Constitution, and these legacies, it is for the Government to put up with them, to the question of land there are such arrangements made about land which might have been for the best interests of this country, and because these arrangements were made, were agreed upon they are inevitably to be accepted.

Now, taking these Provincial Councils after these amendments one major thing to remember is the power that these regions had to pay tax so that they could pay themselves a salary. Well, now this power has been taken away from them, and we know that they could only clear themselves thoroughly by an enactment. Now, under this amendment, this power has been taken away from them, and so that is why some of us feel that as long as these Provincial Councils are retained, by the Government, it is also right that the Government should provide the means as to how these members are going to maintain themselves. So I think that what has been said by one of the Ministers that they may no longer raise in money for their salaries, etc., as their power in this direction have been taken away, the Government should now issue a statement to the effect as to what will be the position of the members of the Provincial Councils.

[Mr. Warlithi]

Mr. Speaker, Sir, the other two points, sections 29 and 71, much has been said on these two sections, and I have no intention of repeating what has already been said, but I would like to say that under section 71, this amending the Constitution, that the Constitution is the fundamental law of the land. It is a document which should be observed and not one that can be easily amended. The argument put forward by the Government so far is that we must have a reasonable and workable Constitution. But then one could also say that we have a reasonable and workable Constitution which could easily be changed now and then. What I was expecting the Government to indicate to the House is the difficulties which the Government has experienced with the period since the time when we have been attempting to amend the Constitution, and start maybe from the percentage of the Senate which was 65 per cent required in the present Constitution, then I do not think there was any difficulty at all, particularly at this stage, when we have a one-party system. On section 71 I agree with the hon. Members who have said that the amendments proposed are too low and that we should retain the amendments which are in the present Constitution. Similarly in section 21 I feel that there is no reason for extending this period. Here also I was expecting some difficulties experienced by the Government during the period of internal self-government, and so far I was not satisfied with the argument put forward by the Minister. His argument was that seven days is within fourteen days, and fourteen days is within twenty-one days as well, and this would mean that as such there is no difference between fourteen and twenty-one days, which means that the House can be called within the first seven days, or within the first fourteen days, but then it can also be called on the 20th day. So I think I have made my point there.

Now, furthermore, Mr. Speaker, Sir, I would like to emphasize the importance of having a Constitution which will be longlasting, which cannot be amended easily, which cannot be tampered with by a person who may be having some ulterior motives.

I think that with these few comments, Mr. Speaker, Sir, I reserve my position on this.

Mr. Mbogoh: Mr. Speaker, Sir, as usual I have to be very brief but I would like to make a few comments.

To start with I feel I should deny some charges which were levelled against me as living in an

area which belongs to another Member administratively, that was the hon. Member for Gichugu who said that there is a piece of land somewhere in Embu which belongs to Gichugu. Contrary to that, I submit that, legally, Gichugu is a breakaway part of Embu and, by right, I have a claim to all of it.

The Speaker (Mr. Slade): Mr. Mbogoh, I know you were irritated by the hon. Member, but all that is so irrelevant, and has nothing to do with the matter of the Constitution, that I do not think I can let you pursue it.

Mr. Mbogoh: Mr. Speaker, Sir, I will now continue. I have finished with that subject.

This Bill does not, Mr. Speaker, Sir, go as far as I expected it to go. To start with, it does not give the Government the dictatorial power required for a Government to rule a country effectively. When people say that the Government is being given the right for that, then I do not agree with that. I think nearly all those points which have been raised stating that the Government is wanting to take all the powers for itself are most invalid and what I think should be done is for the Government to take most of the powers and rule this country effectively. The reason for doing this is that in Kenya today you find there are so many people who are not mature enough to know what a Government of the Africans means to them. They have all the time tried to undermine the Government and they will continue to do that as long as the Government is not strong enough to deal with them strictly.

Mr. Speaker, Sir, this Government should be given a chance to develop this country until a time when people are civilized enough and have enough understandings of Constitutions so that the Government will be somewhat dictatorial in this country and everybody will stand up and show that the Government is run effectively without waiting time. Mr. Speaker, Sir, twenty-one days is quite fair but I expected three months, days in fact I would have liked three months, so that any Member or anybody in the country who wants to destroy the Government can be dealt with before Parliament is called, and then when Parliament is called that area where subversion has occurred will have been dealt with very severely before Parliament comes here to discuss it.

Mr. Speaker, Sir, now this Constitution is becoming too reasonable and I feel that to make a Constitution so reasonable is quite useless. Now, Mr. Speaker, Sir, this 65 per cent, I do not know why the Government found that percentage to be appropriate, so as to put it in the

[The Assistant Minister for Commerce and Industry] have been teachers before, some of them were priests, and they all were in employment. Now they are worried because perhaps in June they will not be paid. They say that *Mojimbo* has been abolished and so they who were elected by the votes of the people will have no jobs and no money. Therefore, they are very worried. I would ask the Government to consider seriously where to put these people who had the mandate of the people to be in the Regional Assemblies. Government should consider where to put them. Those who were working before they were elected to be on the Regional Assemblies should go back to their jobs, work and earn money. Those who cannot get jobs should continue to receive some sort of salary until the next election when they can try to see if they get a place in this House. I feel that these elected Members should receive the sympathy of the Government and should get some sort of jobs in order to earn their living.

The Speaker (Mr. Slade): Mr. Olotiipitip, I am sorry to interrupt you but we have quite a number of repetitions on this point now. That particular point has been made by several Members and we must now move on.

The Assistant Minister for Commerce and Industry (Mr. Olotiipitip): Mr. Speaker, Sir, most of the time I was not in the House and so I am not aware which points have already been raised and by how many Members. I only wished to speak on these points in order to make my own observations. With your permission I would like to go quickly over some of these points.

The Speaker (Mr. Slade): All right, but leave that one.

The Assistant Minister for Commerce and Industry (Mr. Olotiipitip): Mr. Speaker, Sir, I come now to section 12 of this Bill and I hope that I may be allowed to do so. This deals with the registration of voters. During the last election most of our people did not register themselves. Every year, from April to the end of May is the registration period. All I would like to ask the Minister concerned is to see that people receive adequate information so that they know that the time for registration of voters is on. Most of the districts do not know when the time is come for this and I think the Government should make it clear and make it publicly known by all people that it is time for the people to come and register themselves. Some places like Kajjado District which are big areas had people who came to register themselves but according to the present system the voters could only register themselves

in two places. People have to travel great distances to get to one of these two places of registration. Some of them have no transport to reach these places where they can register themselves.

Formerly they had many stations. I think, Mr. Speaker, the previous stations where people have been registering themselves should be allowed to that people can reach them and register themselves. Mr. Speaker, that is the point I wanted to make on registration of voters.

Another point I would like to mention at this time is with regard to section nineteen of the Bill which is authorization of the Commissioner of Lands to hear evidence on the public.

The Speaker (Mr. Slade): We have had a good deal about this one.

The Assistant Minister for Commerce and Industry (Mr. Olotiipitip): Mr. Speaker, Sir, I would like to make a few brief comments on this subject. I feel very strongly that although the Commissioner of Lands knows much about lands and everything, I do not think he knows the land better than the people, the local people of the land. I can only submit Mr. Speaker, that if the Commissioner of Lands was asked to come only when the county council wanted advice from him, that would be all right, but for the whole administration to be vested in him I do not think it is right.

Mr. Speaker, I think that we, the local people who represent every corner of our land better than anybody who represents himself as knowing much about land and I think, Mr. Speaker, that the county councils should be left entirely free to administer their land. I also submit Mr. Speaker, that whenever it is necessary for the Commissioner of Lands to be called upon to give advice he should go, but the whole administration of the land to be vested to the Commissioner of Lands, Mr. Speaker I think it is not correct.

Mr. Speaker, with regard to the same question of land, some of our friends have said repeatedly that they want land to be nationalized. I know, Mr. Speaker, that the Members have touched upon this but in my view, Mr. Speaker I think it is very wrong.

The Speaker (Mr. Slade): I do not think it comes into this Bill anyhow.

The Assistant Minister for Commerce and Industry (Mr. Olotiipitip): Yes, Mr. Speaker, but they have been talking about the cutting down of the size of Masai land often saying that the Masai have too much land.

The Speaker (Mr. Slade): Not in this debate, Mr. Olotiipitip.

The Assistant Minister for Commerce and Industry (Mr. Olotiipitip): Therefore, Mr. Speaker, I think I have made myself clear on the few observations I had because I see that the few observations I have spoken about it. I most of this Bill, Sir, but I think the land should really be the responsibility of the county council. With these few remarks, Mr. Speaker, I beg to support the Bill.

Mr. Khalif: Thank you, Mr. Speaker. I have a very few observations to make here. For example, Mr. Speaker, I would like to draw your attention and the attention of the hon. Members to section 10 of the Bill, subsection (3), which says and I quote:

"As soon as possible after the Senate first meets after 12th December 1964, the Speaker of the Senate shall, by lot, divide the Senators representing the North-Eastern Region into three classes; and the term of office of the Senator in the first class shall expire on 7th June 1967 the term of office of the Senator in the second class shall expire on 7th June 1969."

Mr. Speaker, Sir, I thought this was a provision made in this Bill, and even though this Bill has not been passed in this House, it is surprising to see that the Senators in the North-Eastern Region have already been divided by lots in this Senate before this Bill has been passed in this House. Mr. Speaker, Sir, I feel that unless this matter is reviewed the Government will be acting unconstitutionally. We have already seen, Mr. Speaker, the Government having acted unconstitutionally when it has effected regions to provinces, presidents of regions to chairmen already, now the regional government agents are already called district commissioners. Although this is a breach of constitution it may not be a serious as this particular subsection is. Mr. Speaker, Sir, I have taken up this matter with the Attorney-General and with all due respects to my learned friend, I would like to say that he has tried to confuse me, trying to confuse me technically, constitutionally and so on and I think it is for him to tell us point blank and in no uncertain terms, in this Chamber whether the divisions of the Senators of the North-Eastern Region, which has already been held in the Senate is unconstitutional or not. Whether the Senators representing the North-Eastern Region which have been divided will be again divided by lot in the Senate when, and that is only when, this Bill is passed and not before that.

Mr. Speaker, Sir, I have reviewed the whole Constitution and I do not see anywhere, where a Senator who is elected after a General Election—The Constitution, Mr. Speaker, indicates that the Senators who were elected during the General Election would be divided by lots; but if that is the case, what will happen to the Senators like the North-Eastern Region Senators who were elected after a General Election. Mr. Speaker, Sir, this is a technical point and I would like the Attorney-General to make note of it, because it involves a matter of the Government acting unconstitutionally.

Another point I would like to bring up is that as a result of the constitutional amendment which is about to take place, members of the Regional Assembly have had a reduction in their salaries.

The Speaker (Mr. Slade): We have had that one many times, I am afraid.

Mr. Khalif: Yes, but I would like to point out one specific thing, Mr. Speaker, that we have already noted that the Members of this House have increased their own salaries to Sh. 2,000. We also know, Mr. Speaker, that the salaries of Ministers, including the Attorney-General himself, are more than Sh. 7,000 per month, robbing the salaries of these helpless people who are also as much a representative of the people as we are because they were elected by the people. I view, Mr. Speaker, that this is not right. In view of the fact that this question has been discussed at length, I do not want to go over it because at length I have already said. I have completed saying what I would like to say, but I would like to say that the Attorney-General should consider very seriously the question of Senators of the North-Eastern Region, because as soon as this took place in the Senate I come to see the Attorney-General in his office and discussed this matter with him only to be fooled by legal technicalities by the Attorney-General, which do not exist.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I do feel that Members have exhausted all that they want to say and therefore I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I have been very reluctant to allow the closure to be moved in this debate, as I said yesterday; but we are now getting little bit repetition, and there does not seem to be a tremendous interest of Members in the debate judging by the attendance of the House, and I think I must now leave it to the

Mr. Jamah: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will be, in the circumstances, consider stationing a fire-fighting unit in the area to combat cases of burning of cane?

Mr. Nyamwaya: Mr. Speaker, Sir, that is a very intelligent and sensible suggestion and I hope the Government will be prepared to consider it.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and from the fact that the Kenya Government is getting a lot of money by way of excise duty from this industry, would he consider increasing the Police Force in this area so as to protect this industry?

Mr. Nyamwaya: Maybe the hon. Member for Nyando did not listen to my reply. This has already been done.

Mr. Jamah: Mr. Speaker, Sir, would the Assistant Minister tell the House whether this increase in the Police Force is a permanent feature or is it only for a short period?

Mr. Nyamwaya: Mr. Speaker, I am unable to say that this will be a permanent feature in the way of deployment of the Police Force because the deployment of Police Force all over the country depends on a lot of factors.

Mr. Ngala-Aboke: Mr. Speaker, Sir, will the Assistant Minister tell us how his Ministry has stepped up the Police Force in his area? Does he mean that the police stations are increased or does he mean that special branch men and intelligence service men have been stationed in that area, because it is a large area as far as I know it? Will the Assistant Minister describe the nature of stepping up the Police Force in that particular area?

Mr. Nyamwaya: Mr. Speaker, Sir, I will simplify my reply for the benefit of the hon. Member for Homa Bay. All branches of the Police Force there have been increased.

The Speaker (Mr. Slade): Mr. Nyamwaya, are you prepared to answer Question No. 1023?

Mr. Nyamwaya: Yes, Sir.

Question No. 1023

TELEPHONE CALLS BY MEMBERS OF PARLIAMENT FROM POLICE STATIONS

Mr. Mwanuzandi asked the Minister for Works, Communications and Power whether he would tell the House why he had been refused permission to make a telephone call at Msambweni Police Station and whether there was any reason why M.P.s should not

not be allowed to make telephone calls from police stations, particularly, in the remote areas.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, again on behalf of the Minister for Internal Security and Defence, I beg to reply.

The hon. Member was not refused permission to make a telephone call at Msambweni Police Station; the policeman on duty explained to the hon. Member, who demanded to use the telephone, the orders he had received not to allow members of the public to use the telephone. He was later allowed to use it, although the subject matter of the call was connected with the new moon. Telephones and other communication aids are installed in police stations for the use of the police in their duties, and M.P.s may be allowed to use such telephones in remote areas only on matters of great urgency and the discretion lies with the officer in charge of the police station.

Mr. Mwanuzandi: Mr. Speaker, Sir, is the Assistant Minister aware that even if the police inspector himself is present, I am bound to give reasons why I am making the call before I am allowed to make it?

Mr. Nyamwaya: I did not understand the question, Sir.

Mr. Mwanuzandi: Mr. Speaker, Sir, is the Assistant Minister aware that particularly I was prohibited from making telephone calls in that area? When I forced my way through, is the Minister aware that I had to give my reasons for wanting to make the call?

Mr. Nyamwaya: Mr. Speaker, Sir, I hope the hon. Members do realize that police stations are places which have certain regulations and orders to carry out. In the first instance, they are security places and it is quite in order for the police officer in charge of the station to inquire as to the urgency and significance or importance of the telephone call to be made.

The Speaker (Mr. Slade): I am afraid we must go on now as we have had a lot of delay on points of order.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

APPOINTMENT OF CHIEFS IN MURANG'A

The Speaker (Mr. Slade): I would inform hon. Members that I have received notice from Mr. Kaggia of his desire to pursue on an adjournment his Question No. 958, which concerned the

(The Speaker)

appointment of Chiefs in Murang'a, and I have appointed the close of business next Tuesday, 27th April, for that matter to be raised.

CONDUCT OF THE GENERAL SERVICE UNIT IN WINAM

The Speaker (Mr. Slade): I have also had notice from Mr. Nyalick of his desire to raise on an adjournment the conduct of the General Service Unit at Winam on the 8th April, this year, and that matter is to be raised at the interruption of business on Wednesday, 28th April.

POINT OF ORDER

MEMBERS REQUESTED TO BE PRESENT FOR DIVISION

The Speaker (Mr. Slade): There is one other matter I would like to mention to hon. Members before we proceed. We are now coming to a continuation of the debate on the Second Reading of the Constitution of Kenya (Amendment) Bill, and we shall probably arrive at the point for the question to be put before we have the interruption of business today. Hon. Members will appreciate that this particular question can only be resolved if there is a minimum of twenty-seven hon. Members present at the time of the Division, so it is most important, even if hon. Members are not disposed to stay and listen to the whole debate, that they should remain on call against the possibility of the Division before the House rises this evening.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Attorney-General on 24th March 1963)

(Resumption of debate interrupted on 21st April 1963)

Mr. Ochwada: Mr. Speaker, Sir, when the House adjourned last night, I was just starting the beginning of the end of my remarks on the amendment to the Constitution, and I had touched on the question of land where the Member for Kisumu was very strongly opposed to the remarks I made, in that I suggested that land acquired by Central Government was done in the best interests of everybody in the country and that land so acquired would serve the nation and not only a particular, small area.

Mr. Speaker, Sir, for those of us who have been outside Kenya and have travelled in various countries, we will probably have seen with our own eyes areas where we have deserts and semi-deserts and the nation have made an effort to develop that land into cultivatable land. Particularly when I was in Israel towards the end of 1960 I was very much amazed, and had that land been left to the various sections within Israel, I am quite sure that Israel could not have developed to such an extent. So I think that it is only fair that where Government feels that land is available and could be put to useful purposes, the Government should acquire that land, and develop it, and if the residents of that area feel at a later stage that they want to buy the Government out, so well and good.

Now, Mr. Speaker, coming to the powers of Parliament, it is all very well for the Attorney-General to tell us that the ultimate power of making laws in this country will lie with Parliament, but then it is very difficult for us to believe that that might be so at a later stage. However, trusting, as we do, in our present Government and hope to do the same in our future Governments, I would not have any quarrel with that. But I would have liked to see somewhere included a clause that it may not be in the Constitution but at a later stage Members of this Parliament could get together and ask that Parliament should be convened. Last year we had a very long stretch of recess where the Members wondered what was going on in the country, and Mr. Speaker, Sir, I stand for correction here—some Members even approached you about the possibility of reconvening Parliament, and what we were told was that it was up to the Cabinet to decide on when Parliament should reconvene. We feel with the powers conferred on the President as a person perhaps it would be convenient and much better for us also to be given some position whereby so many Members of Parliament could get together and ask the Government to reconvene the Parliament.

Mr. Speaker, Sir, there is the issue of existing laws. We have some existing laws which were made some years back in the best interests of our former colonial masters for the sake of protecting some areas and turning them into natural museums. For example, we had the restriction of Masai area, the restriction on the northern part of Kenya, and I believe some of these laws are still in existence. These laws should have actually been scrapped some years back and I would like to draw the attention of the Attorney-General to the fact that these laws are overdue and should be scrapped from the Statute Books immediately.

Mr. Ayodo: I am aware of this, Sir, and the attitude is changing very rapidly.

Mr. Mbogohi: Mr. Speaker, Sir, in view of the fact that this country has a tree-planting programme, and I understand that the schools are given free trees to plant, does the Minister consider giving some free plants to the Members of this House who wanted to plant some trees, as examples to the people who they represent?

Mr. Ayodo: Mr. Speaker, Sir, if the House will let me know that they are so keen on planting trees and that they want me to show a gesture, I will consider it sympathetically.

Question No. 1035

CUTTING DOWN OF FOREST IN KURIA

Mr. Okwanyo asked the Minister for Natural Resources and Wildlife if he would order that all the forests in Kuria area be cut down because they were being used as hiding places by thieves.

Mr. Malsori-Iumbo: On a point of order, Mr. Speaker, Sir, I rise to seek your ruling as to whether the hon. Member is in order to ask a question about my constituency, Forests in Kuria are in my constituency, and I was wondering whether it is in order for the hon. Member to enter my constituency without discussing this first with me as the Member for Kuria?

The Speaker (Mr. Slade): Order, order. Mr. Malsori-Iumbo has raised quite a good point. It is not out of order for hon. Members to ask questions about any parts of the country, including other Members' constituencies, but it is a tradition of courtesy for hon. Members not to interfere with other Members' constituencies without consulting them. The question is in order.

Mr. Okwanyo: On a point of order, Mr. Speaker, I think we had discussed this with the Member concerned and we had agreed that I should bring this matter here.

The Speaker (Mr. Slade): As I have said, it is not out of order, and you have asked the question.

Mr. Shikuku: On a point of order, I think there is a mistake somewhere because I do not think there is a place called Butinda. All I know of is a place called Bukuria.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, am I in order to reply to this question?

The Speaker (Mr. Slade): Which question are we on? Yes.

Mr. Malsori-Iumbo: On a point of order, Mr. Speaker, I still feel that if the question is to come to the House, the hon. Member should include his own area before mentioning any part of my constituency.

The Speaker (Mr. Slade): Order, Mr. Malsori. When an hon. Member raises a point of order and I have answered it, that is the end of it.

Mr. Nyamweya: This question, Mr. Speaker, has been referred to the Minister for Internal Security and Defence, and on his behalf I beg to reply.

The answer is, the Minister for Internal Security and Defence is not aware that these forests are used as hiding places for thieves. In these circumstances, the question of clearing the area does not arise. I may add, however, Mr. Speaker, that I am informed by the Ministry of Natural Resources and Wildlife that there are no gazetted forests in this area which are administered by the Ministry. The land in question belongs to the Kuria people, and any decision to clear it of vegetation would rest with them. If the hon. Member's requests were accepted, it would be logical to cut down not only the forest in the Kuria area, but all other forests and dense vegetation in which thieves could hide, and quite apart from the damage this could do to the country, it would be totally impracticable.

Mr. Okwanyo: Mr. Speaker, Sir, would the Assistant Minister provide enough policemen to supervise these areas where all the cattle stolen from my constituency are usually hidden?

Mr. Nyamweya: Mr. Speaker, Sir, the Ministry has increased police patrols, not only in this particular area, but in all areas where crime has become more prevalent.

Mr. Mbogohi: Mr. Speaker, Sir, arising from the reply, could the Assistant Minister make representations to the authorities concerned so that the forests in the Kuria area are increased to such an extent that everybody in Kuria plants a small forest?

Question No. 1070

FARMING CO-OPERATIVE SOCIETIES

Mr. Godia asked the Minister for Lands and Settlement if he would tell the House the acreage of farm land he had earmarked for farming co-operative societies.

The Assistant Minister for Lands and Settlement (Mr. Gachoga): Mr. Speaker, Sir, I beg to reply. My Ministry has earmarked, approximately, a total of 200,000 acres for co-operative farms.

[The Assistant Minister for Lands and Settlement] which will be allocated to various co-operative societies, when these farms are ready for occupation. The acreage includes 135,000 acres which my Ministry intends to hand over to fourteen co-operative societies in the Ol Kalou salient.

Mr. Godia: Mr. Speaker, Sir, can the Assistant Minister tell the House the conditions under which he would allow the co-operative societies to own such lands?

Mr. Gachoga: Mr. Speaker, Sir, the conditions applicable to the allocations of loans to individuals are also applicable to the various societies, but in addition, we give more assistance to co-operatives in the field of organization so as to make sure that the co-operative societies which operate such farms are efficient and well run.

Mr. Komora: Mr. Speaker, Sir, will the Assistant Minister tell the House whether the land he has earmarked for co-operative societies is land in the former Scheduled Areas or even in the former Non-Scheduled Areas?

Mr. Gachoga: Mr. Speaker, Sir, there are no areas which are regarded as Scheduled Areas now and all the Government is doing is to buy up farms from the former European owners and hand them over either to individual African settlers or to African co-operative societies.

The Speaker (Mr. Slade): I think we must go on, as we have not much time. We will go back to Mr. Gichoya's question.

Question No. 1047

REDUCTION OF INTEREST ON CAR LOANS

Mr. Gichoya asked the Minister for Finance whether, in view of the large amount of business which the Government gave to the United Dominions Corporation in respect of car loans, he would consider approaching the corporation with the view to reducing the 5½ per cent rate of interest paid on these loans.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. The rate of interest which the Government has negotiated with the United Dominions Corporation is 5½ per cent, not, and I quote, not 5½ per cent. This rate is only a little more than half the rate charged for other business by hire-purchase organizations in Nairobi. I am satisfied that it is the most favourable rate that can be obtained.

Mr. Gichoya: Arising from the Minister's reply, and accepting the correction he has made, does he agree with me that we constitute a very

reasonable number of customers to this corporation that we could be entitled to more favourable terms than ordinary customers?

Mr. Gichuru: Mr. Speaker, Sir, the terms, as I have just said, are very favourable. If you go outside Government business, it will cost you about 11 per cent or it may be much more, and we only have to pay 5½ per cent. When you go to negotiate for these things, you do not lay down your terms. After all, it is money you want and these people also do not lend you money; they are not a charitable organization. They too want to make money and they have made an extremely good offer to the Kenya Government.

The Speaker (Mr. Slade): Order. Mr. Nyamweya, are you in a position to answer Question 1047?

The Assistant Minister, President's Office (Mr. Nyamweya): Yes, Sir.

Question No. 1041

ARSON ON SUGAR AND SIAL ESTATES

Mr. Jamal asked the Minister for Internal Security and Defence whether he was aware of large-scale arson cases on sugar and sial plantations in parts of Central Nyanza. If so, what did he propose to do to remedy the situation.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, on behalf of the Minister for Internal Security and Defence, I beg to reply. Yes, Sir. There have been five cases of sugarcane being burnt involving 600 acres of cane and two cases where sial has been burnt involving 200 acres, since the last rains in the Central Nyanza area.

Carelessness of labour and passengers is also responsible for some fires which spread to cane from rubbish dumps and the like and like grass fires, from cigarettes thrown carelessly away. Police patrols in the area have been stepped up.

I may add, Mr. Speaker, that the police are unable to say that any of these fires have been deliberate, but patrols in the area have been increased. It is extremely difficult to put this down to deliberately setting fire to crops. As this was a prolonged dry season, these crops have become extremely vulnerable to fire. It could be that the labour laid off temporarily because of the shortage of cane set fire to the crop because a percentage can be salvaged providing it is cut quickly and pulped. This means that labour are taken on for this work and therefore they receive short-term employment.

**POINT OF ORDER
CONDUCT IN THE CHAMBER**

Mr. Agar: Mr. Speaker, Sir, on a point of order, in places like this where a Member of this House displays in public such deplorable behaviour, can we be allowed in this House to move that we deplore his behaviour, so that we dissociate ourselves completely from the kind of behaviour he displayed here, and especially for the time he took to be out of the door?

The Speaker (Mr. Slade): I do not think anything is gained by hon. Members passing a Motion deploring the conduct of Members in this House, because there are disciplinary measures which are more effective. It starts with the power of the Speaker, himself, to order an hon. Member to leave the precincts of the House for the rest of the day. It continues, in a case where the Speaker thinks proper, for the Speaker to name an hon. Member and for the House then to consider whether that Member shall be suspended from the service of the House. I think, in view of Mr. Nyaga's conduct after I had ordered him to leave the Chamber, that I should now name Mr. Nyaga for gross misconduct. When I have done that, according to our Standing Orders, a Minister moves that the Member be suspended from the service of the House. If that Motion is carried, he is suspended for three days. I now name Mr. Nyaga for gross misconduct.

Will a Minister please move that Mr. Nyaga be suspended from the service of the House?

MOTION

SUSPENSION OF HON. MEMBER

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that Mr. Nyaga be suspended from the service of this House.

The Minister for Labour and Social Services (Mr. Mwendwa): seconded.

(Question proposed)

The Speaker (Mr. Slade): I think I am right in saying that, according to Standing Orders, I put the question without debate.

So I put the question.

(Question put and agreed to)

POINT OF ORDER

MOVE OF MOTION FOR SUSPENSION OF MEMBER

Mr. Ngala: Mr. Speaker, Sir, on a point of order, I would like to seek your ruling on this. Why has it not been possible for us to discuss

this, because a lot of us had evidence to show that Mr. Nyaga was quite entitled to make the comments he was making while he was sitting and it does not warrant a three-day suspension from his work, although we understand that for today he should be out of the precincts of the House. Why have you ruled that we should not discuss this matter?

The Speaker (Mr. Slade): I think that it is in accordance with Standing Orders. I will look it up and confirm.

The Standing Order seventy-nine provides "whenever a Member shall be named by Mr. Speaker, if an offence has been committed by a Member in the House, then a Motion shall be made by the Senior Minister present, that such Member be suspended from the service of the House, and Mr. Speaker, shall forthwith put the question thereon, no amendment or adjournment debate being allowed".

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, on a point of order, in order to make the whole position clear on the fact that we have two hon. Members known as Nyaga and also for the information to the Press, it should be made known that it is Mr. P. Nyaga, Mr. Speaker. The hon. Member Mr. J. J. M. Nyaph is an Assistant Minister and a Member for another constituency.

The Speaker (Mr. Slade): It is quite right that Mr. Onyko should want to put it clearly on record that it was Mr. P. Nyaga, without the "h" at the end.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, since this Motion has not been moved by the Senior Minister of the Government could you repeat your position on this? The Senior Minister being the Vice-President.

The Speaker (Mr. Slade): Mr. Ngala is technically correct. I think if he cares to raise the technical point then we should ask the Vice-President to move the Motion.

I do submit to hon. Members that this is not an awfully honourous matter.

The Vice-President (Mr. Odiga): Mr. Speaker, Sir, I am very sorry that this has been necessary, but I am in complete agreement with the Minister for Finance who actually moved this Motion and I support him.

The Speaker (Mr. Slade): I know, Mr. Vice-President, but the difficulty is that Standing Orders provide, in this very important matter,

[The Speaker]

that the Motion shall be moved by the senior Minister present. Therefore, technically, the Motion moved by any other Minister could be held to be invalid. So, I think we must, since Mr. Ngala insisted, ask you to move the Motion again to follow strictly the rules. If you would move the Motion again, we will get the same result.

MOTION

SUSPENSION OF MEMBER

The Vice-President (Mr. Odiga): Mr. Speaker, Sir, I beg to move that Mr. P. Nyaga be suspended from the service of the House.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko) seconded.

(Question proposed)

(Question put and agreed to)

(The hon. Mr. P. Nyaga was accordingly suspended pursuant to Standing Orders)

POINT OF ORDER

RULING ON SENIORITY OF MINISTERS

Mr. Gatuguta: On a point of order, Mr. Speaker, since some of us do not understand this question of the seniority of Ministers, would you be in a position to explain to us whether the seniority is based on the position of the Minister, the age of the Minister, or the period for which he has been a Minister?

The Speaker (Mr. Slade): That is a very nice question, but I have never really given it thought, except that I assumed it meant seniority in order of precedence. I might be wrong, but that is how I interpret it, since it rests with me to interpret Standing Orders.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I would be grateful for your ruling on this, because I would like to submit that seniority is based on the position of the Minister, as in my submission, there is no Minister who is senior to the others. They are all equal.

The Speaker (Mr. Slade): I do not think we will gain anything by further discussion of this. Whatever views hon. Members have, our Standing Orders refer to a Senior Minister. I have to give some interpretation of that expression. I have given the interpretation that I believe to be right. One sees Ministers, particularly the Vice-President, given certain precedence in the order of precedence, and I go by that.

Now, we will go on with the business on the Order Paper.

ORAL ANSWERS TO QUESTIONS

Question No. 985

AFFORESTATION IN CENTRAL NYANZA

(Resumption of discussion on a question interrupted by Motion)

Mr. Ngala-Aboki: Mr. Speaker, Sir, I was going to raise a supplementary question but in view of what has happened, I think the value of my supplementary question has been reduced. However, I would ask, in view of the fact that the major parts of the country still need education, in terms of afforestation and many other Government projects, would the Minister tell the House what he has done in Central Nyanza to educate the people of Central Nyanza and tell them that the seedlings and the nurseries for seedlings at Maseno and other places in the district, are meant for them to be used for afforestation programmes?

Mr. Ayodo: Mr. Speaker, Sir, we have done everything possible to let everybody in Nyanza know, especially this month, that we have seedlings at Maseno and in the other nurseries—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Minister in order to refer to an hon. Member as "this man"?

Mr. Ayodo: Mr. Speaker, Sir, I said this month.

The Speaker (Mr. Slade): You have not finished. Mr. Ayodo?

Mr. Ayodo: No, Sir, I have not, I am thankful for your assistance, and I think he will understand "moon" better than "man".

Mr. Speaker, Sir, we have used every possible means and we have circulated all provincial commissioners, and therefore, all district commissioners, and all chiefs and all district officers, that we have a nursery there and that if they need more than we have there, arrangements will be made to supply them with seedlings from other nurseries.

Mr. Khasakhala: Mr. Speaker, Sir, is the Minister aware that efforts were made three years ago for this particular plan in Nyanza when it was still called Nyanza, that at present is Central Nyanza and Kakamega District, for a forest station to set up in the Maragoli Hills, and these efforts failed? Could he tell the House whether the attitude has changed at present?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. Yes, I am aware that occasionally there have been delays in trunk calls between Kisumu and Nairobi.

The answer to the second part of the question is that the East African Posts and Telecommunications Administration has already ordered equipment to be installed in Kisumu in order to improve the telephone services in this area, and it is hoped that this equipment will arrive some time towards the end of this year.

Mr. Jamal: Mr. Speaker, Sir, is the Minister aware that this telephone delay is not occasional, it is a daily occurrence and that it is quicker to travel to Nairobi by car than to make a telephone call.

Mr. Mwanjumba: I agree that there are frequent telephone delays and the reason for that, Mr. Speaker, has been that, since independence, there has been a lot more traffic in the telephone system. There have been more calls than ever before and this we interpret as being a healthy growth in the Administration and, having realized this difficulty, this is why the Administration is doing everything it can in order to improve the situation.

Mr. arap Tooi: Mr. Speaker, Sir, is the Minister not aware that the main causes for these telephonic delays are due to the telephone operators discussing private matters with their girlfriends?

Mr. Mwanjumba: Mr. Speaker, Sir, we have regulations to stop someone from talking to his girlfriend in the telephone exchange, but that is not the reason for the delays. The reason is that the traffic has grown to such an extent that the equipment that we have at present is so congested that it is sometimes difficult to get a reply within five minutes, but Mr. Speaker, as I have said, we are already getting this new equipment which will improve the situation a great deal.

Question No. 1086

POST OFFICE FOR LITEIN

Mr. Bly asked the Minister for Works, Communications and Power whether, in view of the fact that Litein Township was in the heart of Buret Constituency with a population of over 80,000, the Minister had taken the appropriate steps to establish a post office there.

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): Mr. Speaker, Sir,

I beg to reply. There is a post office at Litein which provides adequate services for the needs of the people at a centre of this size.

Mr. Bly: Mr. Speaker, Sir, I wonder whether the Assistant Minister is aware that at Litein, at present there is no post office, but rather an Indian shop which is used as an agency?

Mr. Bonnett: Mr. Speaker, Sir, I am aware that the post office at the moment is small, but of a size large enough to serve the needs of the people of Buret. There is a subpost office which is making only Sh. 382 per month, whereas normally, a post office should be making Sh. 1,500 before it is considered for upgrading.

Mr. Agar: Mr. Speaker, Sir, could the Assistant Minister inform the House whether there are also post office savings bank facilities at Litein?

Mr. Bonnett: Mr. Speaker, Sir, Yes, there are post office finance facilities there.

Mr. Kericha: Mr. Speaker, Sir, could the Assistant Minister tell this House whether this is a post office which is erected by the Government or it is an Indian shop hired by the Government.

Mr. Bonnett: Mr. Speaker, I have to say this to satisfy the Member who has just asked the question. Each year the East African Posts and Telecommunications Administration reviews the amount of business transacted at subpost offices such as Litein and if there is justification for upgrading them, the appropriate action is taken. In pursuance of the programme to extend postal services in rural areas, the Litein area is due to be visited during this year and if investigation reveals that the population density warrants additional subpost offices being opened, then a due course this will be done.

In answer to your question, there is a post office there which a private shop, which has been rented. It is doing the work of the post office and is satisfying the needs of the people of Buret.

Mr. Mbogho: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he expect the people to go with their post office savings bank passbooks in to a shop and give them their money?

Mr. Bonnett: Mr. Speaker, Sir, this is not

Mr. Shikuku: On a point of order, Mr. Speaker, could we be told in this House whether whilst an hon. Member is on his feet other Members can continue speaking so loudly that we can hardly follow up the reply.

The Speaker (Mr. Slade): It is very disturbing, particularly when the House is so full. I do ask hon. Members to realize that one or two or three very quiet conversations may be all right, but when you have a dozen of them it makes it very difficult to hear, and this House wants to hear.

NOTICE OF MOTION ON THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 1086: POST OFFICE AT LITEIN

Mr. Sir: Mr. Speaker, Sir, I beg to move this Motion on an adjournment.

An hon. Member: Not yet.

The Speaker (Mr. Slade): An hon. Member is quite entitled to state at any time that he wishes to pursue the matter on an adjournment, but if he does that, there are no further supplementary questions.

(Question No. 985 was called.)

The Speaker (Mr. Slade): Is there no representative of the Ministry ready to reply? We will go on to the next question then.

POINT OF ORDER

ABSENCE OF MEMBERS TO ANSWER QUESTIONS

Mr. Ngala: On a point of order, Mr. Speaker, when the Minister and the Assistant Minister are both absent for the question, can we be allowed to express our dissatisfaction of the deplorable attitude of the Government to questions?

The Speaker (Mr. Slade): Yes.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, on a point of order, I am ready to answer this question.

(*Interruption by the hon. Mr. P. Nyaga*)

The Speaker (Mr. Slade): Mr. Nyaga, unless you can control yourself better, you will have to leave the Chamber.

Now we had just left Question No. 985, because the Minister was not here, moving on to the next one and Mr. Gichuru said he would answer it; but now the Minister has arrived, so we will come back to Question No. 985.

Mr. Bala: On a point of order, Mr. Speaker, I would like to have your guidance on this matter. Each time you allow one point of order at a time, but just now the hon. Member, Mr. Ngala raised a point of order and before you ruled on this point of order, the Minister stood

and you gave him hearing. What is actually right? Are we to understand your previous ruling is right or this one.

The Speaker (Mr. Slade): I am afraid you did not hear my ruling. It was very short. I said "yes", to Mr. Ngala, before Mr. Gichuru intervened. I had ruled. Now we have Question 985.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, can I express my dissatisfaction?

The Speaker (Mr. Slade): You did.

Mr. Ngala: Mr. Speaker, Sir, I did not, I just objected.

The Speaker (Mr. Slade): I think you did two in one.

ORAL ANSWERS TO QUESTIONS

Question No. 985

AFFORESTATION PLANS IN CENTRAL NYANZA

Mr. Bala asked the Minister for Natural Resources and Wildlife if he could tell the House what plans he had for encouraging afforestation in Central Nyanza.

The Minister for Natural Resources and Wildlife (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply. It is intended to hold discussions shortly with the Provincial Commissioner and the Provincial Agricultural Board as to the availability of land in Nyanza, including Central Nyanza, for afforestation purposes. In addition, the Ministry maintains a tree nursery at Maseno where individual farmers can buy seedlings for planting on their land.

It is also intended Mr. Speaker, Sir, to reopen a forest office at Kisumu as soon as the necessary staff can be found.

Mr. Ngala-Abok: Mr. Speaker, Sir,—

(*Interruption by the hon. Mr. Nyaga*)

The Speaker (Mr. Slade): Is that Mr. Nyaga again? Mr. Nyaga, you will leave the precincts for the rest of the day. That means the whole building, not merely the Chamber.

(*The hon. Mr. Nyaga continued his interruptions*)

The Speaker (Mr. Slade): Sergeant-at-Arms, will you remove Mr. Nyaga please?

(*The hon. Mr. Nyaga was removed from the Chamber by the Sergeant-at-Arms under protest*)

Mr. Konchellah: Mr. Speaker, Sir, I am not aware of this, but in the schools to which the volunteers are posted, these teachers are required to follow a curriculum and syllabuses approved by the Ministry, various curriculums and syllabuses designed to prepare candidates for the Cambridge School Certificate, and all London examinations. These books are selected from a list prescribed by the Inspectorate which also advises on equipment for specialized subjects; and teaching apparatus generally. So, these teachers are supposed to follow Kenya syllabuses and the textbooks which are being used in every school in Kenya.

Mr. Omweri: Mr. Speaker, Sir, since there are other methods of checking the efficiency of teachers, would the Assistant Minister tell us from the results of the students who are taught by these teachers that their methods are up to date or still need improvement?

Mr. Konchellah: Mr. Speaker, Sir, as far as I know and since there was a query about this yesterday, there was no school which actually obtained a lower percentage than in previous years, even in the schools where the Peace Corps seem to be teaching.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that, for example a school like Maseno, the passes for 1964 were very much lower compared with previous years, because of the numbers of the Peace Corps in these areas, would the Minister—

The Speaker (Mr. Slade): Mr. Anyieni, I do not think you are in order to say that, you know. You are imputing that the Peace Corps teachers were responsible for lower results. You cannot do that.

Mr. Anyieni: I have not finished my question.

The Speaker (Mr. Slade): That may be so, but you are making allegations which are not allowed.

Mr. Anyieni: Shall I put it in a different form?

The Speaker (Mr. Slade): I think you had better, yes.

Mr. Anyieni: Mr. Speaker, in view of the fact that we have had a strike, for example, at Maseno where students complained that these teachers, the Peace Corps teachers, were not teaching them satisfactorily, would the Government consider prolonging the orientation period which these gentlemen should undergo from three months to six months, so that they can have the proper training to teach Kenya students to pass the School Certificate?

Mr. Konchellah: Mr. Speaker, Sir, first of all, we are not aware of any complaints sent to us by students or by schools, and as far as the Ministry is concerned, we are always awaiting any bad results from the official education officers. If there is something wrong, we always follow it up and correct it from the Ministry.

Question No. 1075

FREE EDUCATION FOR CHILDREN OF KILLED SOMALIS

Mr. Amin asked the Minister for Education if the Government was prepared to give free education to the children of loyal Somalis who were killed by *Shifita* in the North-Eastern Province.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. No, Sir, the responsibility for primary education lies with local authorities to whom the problem of children who cannot pay fees should be directed in the first instance.

Machinery exists for the remitting of school fees, either in part or in full, for pupils who are destitute, through school committees, and this machinery should be used by the type of person referred to by the hon. Member.

Mr. Amin: Mr. Speaker, Sir, arising from that reply, I would like to know from the Assistant Minister whether it is the policy of this Government to regard every Somali man who is killed in the North-Eastern Region as a *Shifita*?

Mr. Konchellah: Could he repeat the question?

Mr. Amin: Mr. Speaker, this is what I am trying to say. I would like to know from the Assistant Minister whether it is the policy of this Government to regard every Somali man who is killed in the North-Eastern Region as a *Shifita*?

The Speaker (Mr. Slade): It does not arise.

Mr. Ngala: Mr. Speaker, arising from one of the replies by the Assistant Minister, Sir, since the remissions regulations in the Ministry of Education are only related to 10 per cent of the total fees, if in any place in the North-Eastern Region the 10 per cent is exceeded by children of loyal Somalis that have died because of *Shifita* activities, will the Minister consider extending the remission percentage or doing it on his mere authority so that these children could get education?

Mr. Konchellah: Mr. Speaker, Sir, the remission of fees is the responsibility of the local authorities who only authorize remission of the school fees on the recommendation of the school committee. Every school committee has the authority of recommending remission of a certain percentage of fees, varying from 5 per cent to 10 per cent for the particular school. That percentage is distributed by the committee among the poor people according to their needs. The Central Government cannot, therefore, be asked to introduce a separate system as a proper system already exists. So, perhaps the Somalis in the North-Eastern Region have not even submitted claims for the 5 per cent or 10 per cent of the children to be recommended.

Mr. Ngala: On a point of order, Mr. Speaker, education throughout the country is the subject of the Minister concerned and we do not take it to be the subject for county councils. Hence, is the Assistant Minister in order in referring to county councils because the county councils are acting on by-laws approved by him, as far as education is concerned, primary or secondary education or even college education?

The Speaker (Mr. Slade): Yes, it is a point of order that Mr. Ngala has raised. However, the position is that we do expect in this House that for everything that goes on in the country, and will be prepared to answer even where the actual authority is delegated to some other local authority. But where, as in this case, the Minister in answer points out that the particular discretion is vested in the local authority, well that is the position and the House has to accept it. Whether the law should be altered is another matter.

Mr. Kamuren: Mr. Speaker, Sir, do we understand that all school committees in the schools in the North-Eastern Region have not submitted claims for the children who are supposed to have their school fees remitted in schools? If that is the case, Sir, could we be told by the Assistant Minister as to how many schools have submitted claims for the children who are supposed to get remission of school fees in those schools?

Mr. Konchellah: We have no information about this, Mr. Speaker.

Mr. Amin: Arising from that reply, Mr. Speaker, what is the use of a Government when it is unable to give free education to five or six children whose parents have been killed by the *Shifita*?

Mr. Konchellah: Mr. Speaker, Sir, the hon. Member has mentioned a number of about six children and perhaps he has not even gone to see what is going on in his own area. So he does not know whether the school committee has dealt with these six children or not.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 1075: FREE EDUCATION FOR CHILDREN OF KILLED SOMALIS

Mr. Ngala: On a point of order, Mr. Speaker, due to the very unsatisfactory replies on the education of the children of Somalis who were faithful to the Government, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 1023

TELEPHONE CALLS BY MEMBERS OF PARLIAMENT FROM POLICE STATIONS:

Mr. Mwanuzi asked the Minister for Works, Communications and Power whether the Minister would tell the House why he has refused permission to make a telephone call at Msambweni Police Station and whether there was any reason why M.P.s should not be allowed to make telephone calls from police stations, particularly, in the remote areas.

The Minister for Works, Communications and Power (Mr. Mwanuzi): Mr. Speaker, Sir, that question was referred to the Ministry of Defence.

The Speaker (Mr. Slade): We will leave it over and see if the Minister will come in later to answer the question.

Question No. 1044

DELAY IN TELEPHONE CALLS KISUMU/NAIROBI

Mr. Jamal asked the Minister for Works, Communications and Power whether—

- the Minister was aware that long delays were experienced in obtaining trunk telephone calls between Kisumu and Nairobi;
- he would make appropriate representations to the E.A.P. and T. Administration to improve this service.

Thursday, 22nd April 1965

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

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

PRAYERS

POINT OF ORDER

RULING ON PETITIONS

Mr. Ngala: On a point of order, Mr. Speaker, I rise for your guidance over this question of petitions. The item entitled "petitions" always appears on the Order Paper, could you explain, Sir, in what circumstances petitions could appear in the House because it looks as if this is an unnecessary item on the Order Paper?

The Speaker (Mr. Slade): It is a very rare item, but it is provided for in Standing Orders. Any hon. Member can present a petition—or any member of the public through an hon. Member—and I can remember one certainly, and I think two occasions during my time in the former Legislative Council, when petitions were presented; and this is the time for them to be presented. They can be presented without any warning, so we have to allow for it on the Order Paper.

Mr. Anyien: On a point of order, Mr. Speaker. Is it in order for the clock of the Parliament building to be a little bit ahead of time so that Members are on time think they are late?

The Speaker (Mr. Slade): It is regrettable, but it is not exactly out of order. We try to discipline the clock, but we do not always succeed, anymore than we always succeed, in disciplining the House.

NOTICES OF MOTIONS

PAYMENT FOR MEDICAL TREATMENT

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

That this House notes with great concern that while the poor man in Kenya has to pay for all his medical treatment, the rich man in the Central Government and local authority employment is treated freely; and therefore calls upon the Government to either give free medical treatment to all the citizens of Kenya or introduce a system whereby a citizen pays for medical treatment according to his or her earning capacity.

REVIEW OF TEA PLANTING POLICY

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

In view of the fact that poverty is one of the three national enemies, this House urgently asks the Government to review the development plan on tea planting so as to allow smallholders to grow twice as much as the amount promised for the next three years.

ORAL ANSWERS TO QUESTIONS

Question No. 1028

SETTLEMENT OF SEMA—BUTENDE BOUNDARY

Mr. Okwanyo: Mr. Speaker, Sir, on a point of order, the Question No. 1028 has been discussed fully with the Ministry concerned and the Member for Kuria. Therefore, I would beg to withdraw it.

(Question No. 1028 withdrawn)

Question No. 1041

ARSON ON SUGAR AND SISAL ESTATES

Mr. Jamal asked the Minister for Internal Security and Defence whether the Minister was aware of the large-scale arson cases in sugarcane and sisal plantations in parts of Central Nyanza, and if so, what was he going to do to remedy the situation.

The Speaker (Mr. Slade): Is the Minister here?

Question No. 983

DIFFICULTY IN OBTAINING FREE SEEDLINGS

Mr. Bala asked the Minister for Agriculture and Animal Husbandry if he was aware that many people found a lot of difficulty in obtaining seedlings of trees in Central Nyanza particularly in Nyando Division.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. As the hon. Member himself knows, he bought seedlings not so long ago from a fruit tree seedling nursery in Kisumu which caters for Nyanza, Nyando Division; indeed so far my Ministry has been able to satisfy the demands of Central Nyanza from these nurseries and elsewhere.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell this House what kind of seedlings there are in Kisumu which can serve Nyanza satisfactorily?

Mr. Murgor: Mr. Speaker, Sir, in Kisumu, we have seedlings of citrus fruits and paw paw and at Muragoi, we have many varieties of seedlings and at Closeburn Nursery here in Nairobi, and

[Mr. Murgor]

even if we run short we have a lot of seedlings in Tanzania which at any time, anybody who wants them can move them from one nursery to another.

Mr. Nyalick: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the seedlings at Kisumu in the nursery are quite small and would only cater for the people of Kisumu?

Mr. Murgor: Mr. Speaker, Sir, the possibility of expanding these nurseries would be looked into if demand increased, but at the moment I say this because there are times when supplies so much exceeds demand that seedlings have matured in nurseries, especially in Homa Bay, for lack of people to buy.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, Sir, would he give us assurance that Kisumu is the wrong place for the fruits and that whatever nursery that existed in Kisumu should be transferred to the Coast?

Mr. Murgor: I cannot agree with the hon. Member, Mr. Speaker, Sir.

Question No. 1058

AMERICAN PEACE CORPS TEACHING METHODS

Mr. Ngala-Abok asked the Minister for Education if he would tell the House what machinery there was for checking the teaching methods used by the American Peace Corps teachers in secondary schools.

The Assistant Minister for Education (Mr. Konchellab): Mr. Speaker, Sir, I beg to reply. Peace Corps teachers, like all secondary school teachers in Kenya, are required to conform with our teaching methods while they are serving in Kenya, and like all other teachers are supervised by the Ministry of Education field officers and inspectors and by their head teachers, and at the larger schools, teachers in charge of subjects.

Mr. Nyalick: Mr. Speaker, arising from the Assistant Minister's reply, could he tell the House how this Peace Corps comes to be taken in these secondary schools? Is there any school in this country in which they are being shown methods by which our schoolchildren are being taught before they are taken on?

Mr. Konchellab: Mr. Speaker, Sir, the Kenya Government agreement with the Peace Corps stipulates that all teacher volunteers shall be

graduates and shall undergo the three months' provisional training and orientation course. The course is conducted by the teachers' college of Columbia University which has been associated with the teachers from East African projects for three years.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's earlier reply, in view of the fact that at the moment we do not have the provincial inspectorate team that used to exist, would the Assistant Minister tell this House who does the actual inspection which he said these teachers are subjected to, because at the moment there are no provincial inspectorate teams?

Mr. Konchellab: Mr. Speaker, Sir, the Inspectorate, for instance, is unable to visit every school, and to see every teacher at work in the classroom at frequent intervals, and much depends on the guidance given to inexperienced teachers within the schools' own organizations. Peace Corps teachers, of course, have served in Kenya in limited numbers, and for one term only as yet, and it is too early to make a comparative assessment of the work of this group against the standard either of perfection or of teachers from other sources.

Mr. Omweri: On a point of order, Mr. Speaker, I asked the Assistant Minister to tell us who did the inspections, when he said that inspections are made by the inspectors, and there are at the moment no Inspectorate teams in the provinces as they did exist?

The Speaker (Mr. Slade): Hon. Members must understand that if they are not satisfied with the reply, or perhaps there is not a full reply, they should not rise on a point of order. Hon. Members can ask another supplementary question, but only when they are called on to do so.

Mr. Omweri: On a point of order, Mr. Speaker, how do we put a grievance if the answer is irrelevant to the question?

The Speaker (Mr. Slade): I have told you, by another supplementary question if you are called on. That is all. If we had a point of order every time hon. Members were dissatisfied with an answer, we would be busy all afternoon.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Assistant Minister tell the House whether he is aware that some of these Peace Corps teachers, although I have great respect for them, are reluctant to follow the British books laid down for Cambridge and School Certificates, and also that they do not wish to give notes on blackboards, alleging that their teachings and lectures are enough.

[The Minister for Works, Communications and Power] area. If that potential can be raised to warrant the construction of a road, that has to be considered also. Another thing which is considered is the tourist potential. If the road is constructed, many tourists may perhaps be able to use this road. But the most important thing is the total cost of such a project. How much money will it cost to build such a road? In this particular case, I am advised that the two bridges that are referred to would cost more than £100,000. My friend, Mr. Ekitella, said that it would cost Sh. 500. Surely, Mr. Ekitella, through self-help—

The Speaker (Mr. Slade): He said it would only cost Sh. 500 for each journey, instead of Sh. 1,600.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I think I listened quite clearly and what the hon. Member said was that it would cost him Sh. 1,600 to go to Lodwar.

Mr. Makone: On a point of order, Mr. Speaker, I rise for your ruling. In view of the fact that the Provincial Councils were deprived of power, is the Minister in order now to refer these powers of making these bridges to the Provincial Council, when all the powers lie within his Ministry?

The Speaker (Mr. Slade): He may be quite wrong, but he is not out of order.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I can assure the House that I am not wrong—

Mr. Anyken: On a point of order, Mr. Speaker, I understand that the Minister is using the words "Provincial Advisory Councils". Is it in order for him to misuse the words when this House is spending a lot of money?

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

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I do not know what other people have in their heads, but some people cannot get themselves settled.

Now, to go back again, Mr. Speaker, to the cost of these bridges. As I have said the cost would be more than £100,000. Mr. Speaker, that is not a small sum. The Government has to see what priority is needed in a district. Is it the bridge that needs priority in that area, or for

example, the construction of school hospitals for the area? All these questions have to be taken into consideration before Government can go ahead and construct these bridges. Therefore, in the opinion of Government, there is a greater need for more schools in this area. There is need for more hospitals in this area, than there is for a road only to maintain fifty vehicles a day. Mr. Speaker, Sir, I could give figures—

The Speaker (Mr. Slade): I am sorry, Mr. Mwanjumba, but I have already given you another two minutes because of the interjections you had, so I am afraid you will have to stop now.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, this is a very serious Motion, because in this Motion the whole problem of development in this country is highlighted. The fact of the matter is that we have some parts of Kenya which have enjoyed quite a lot of development, and in Turkana it is a fact, and in Pokot, that development is still minimal and, as a matter of fact, this Government recognizes this area of Kenya as the area which must be given priority. It is not surprising, Sir, if any of the Members have read the Development Plan, they should have realized that this problem of development is well dealt with, and it is not a new thing.

Mr. Speaker, Sir, I sympathize with this Motion entirely. I think that in our development and in our plans we should try to increase development where there has been no development previously, and in doing this, you cannot develop an area without communications, and I think there is a certain amount of contradiction when we say that we want to develop this and that, but neglect communications and I think roads are really essential. But, Mr. Speaker, Sir, development is not a matter of emotion. We have to plan, we have to know what the priorities are. We must know what we should do first because if we do the wrong thing, then a lot of money will be spent in putting these things right, and a lot of money will be spent unnecessarily. But, when we plan correctly, one type of expenditure will reinforce the other, and development will catch on, and this is why, Sir, I would like to support the Minister. For, as far as I see, schools and hospitals should have a higher priority in Turkana, at the moment, than these roads.

Thank you, Mr. Speaker, Sir.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti): I have just one comment to make, and that is that we do realize, and I told the hon. Mr. Ekitella, that we

[The Assistant Minister for Works, Communications and Power] sympathize with what he raised, but I also come from a district which is less developed as far as roads are concerned. But, as we said, the Government has a big area to look after, and we have to try and put priorities in order, and the only way we can do this is to have the county council give us a list of the priorities that they think are important in the given area.

Therefore, Mr. Speaker, Sir, I should like to tell Mr. Ekitella that I am with him and the Government is with him.

ADJOURNMENT

The Speaker (Mr. Slade): We have now had our half hour. The House will adjourn until tomorrow, Thursday, 22nd April 1965, at 2.30 p.m.

The House rose at Seven o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1022

HEADS OF DEPARTMENTS LIVING OUTSIDE EMBU

Mr. Mbugoh asked the President if he would tell the House why the following provincial heads of departments in the Eastern Province were not living in the headquarters of the province—Embu:

- (1) Provincial Medical Officer.
- (2) Provincial Health Officer.
- (3) Provincial Engineer.
- (4) Provincial Agricultural Officer.
- (5) Provincial Veterinary Officer.
- (6) Provincial Police Officer.

The Assistant Minister, President's Office (Mr. Nyamwaya): As the hon. Member knows, the Government has been making every effort to build Embu from what was originally a district headquarters to provincial headquarters status. Before it was suggested that it became a provincial headquarters, Embu had sufficient living and office accommodation to cater for the district staff, but, as the hon. Members of this House will appreciate, when it was decided to make it a provincial headquarters, it became impossible to squeeze all the provincial heads and their staff into Embu.

However, the Government allocated some money for the expansion of Embu. In order to provide suitable accommodation for the provincial staff and, so far, nearly £42,000 has been spent in building additional living and office accommodation.

Of those departments listed by the hon. Member in his question, the hon. Member may be delighted to know that the Provincial Veterinary Officer and his staff are now living in Embu. It is expected that the Agricultural Department will be moving in the very near future. It is not possible, Mr. Speaker, to move the remaining departments and their staff into Embu immediately owing to the lack of accommodation and the large sums of money that new buildings would cost. The need for all the departments to be in one provincial headquarters is appreciated, but, in these matters, finance is the limiting factor. The situation is kept under constant review.

The House may also like to know that, as a sign of Government's concern over the lack of staff accommodation in Embu, the Embu County Council is being approached regarding proposals that it should apply for a loan from the Central Housing Board to enable it to build additional housing in Embu, which could be rented by civil servants. The Government hopes that these proposals will be agreeable to the council, as this venture would solve the present housing problem.

[Mr. Ekitella]

Turkana District should have better roads. Instead of going from Nairobi, through Lokitaung—This will cost you Sh. 1,600 only to travel 540 miles to Lodwar. Instead of going to Lokitaung, there should be a bridge which will cost only Sh. 500 to put up. When I say this most Members will say that I only say this because I want to talk.

Mr. Speaker, we are in trouble. I do not have even a penny in the bank. All the money I get I have to use to repair my car, to maintain my car.

I ask the Minister for Communications that this road should be built. Instead of making us give all our money to Uganda, we must bring the money to Kenya. To go to Lodwar, you have to pass Karapokot and this is where our money goes. We must solve this matter. So I would tell the Kenya Government to shorten this road so that instead of our money going to Uganda, we will now pass through Nakuru, through Baringo, and then to Lodwar. Then the road will only be 300 miles. A small bridge will cost very little money.

Instead of your using your money on Uganda which is ninety-six miles away, ninety-six miles to Uganda. This is very well known. Excuse me, please, it is the Republic of Uganda. Ninety-six miles. Government is paying that but the Uganda Government never pays a thing, and they are using the same road. Why is that? Why is Government giving this money to Uganda? I want to know why. Why? The Minister when he answers should tell us why this money is given to Uganda. This money is given to Uganda. They are using that road, why?

Mr. Lorena: Mr. Speaker, Sir, I rise to support this Motion. During this session, there have been so many Motions on the Adjournment. I have come to the conclusion that these questions, many times, have been answered by Ministers and Assistant Ministers in a very awkward way, to some extent rudely and also helplessly. Mr. Speaker, several times we ask questions here and we are told, "Members of Parliament, representatives" we are told, "you are wasting your time in Parliament, come and talk us in our own Ministries or have a chat outside here." One of these which were answered very irresponsibly was this question asked by the Member for Turkana South, the hon. Mr. Ekitella. In that answer, with your permission if I may quote, the Assistant Minister said "There is a priority list drawn up by the Rift Valley Provincial Council Authority and in this list which was sent by the Rift Valley Provincial Authority, there is no road

from Turkana." Now, in that reply, the Assistant Minister also said that Turkana was represented in the Rift Valley Province Road Authority and if this Member was represented, why is it that there was no mention of Turkana in this case? This is a fact, Mr. Speaker: It is just plain negligence; the Government is trying to neglect Turkana and probably curtain them. This is not like nationalism at all, and they are now coming down to regionalism. Mr. Speaker, Sir, this bridge which is on the Kerio River is very important indeed. It is only unfortunate that the Ministers and Assistant Ministers have not dared to visit this area. If at all they went there, their cars would be swept over by water, by flood.

Mr. Speaker, this road has always been a danger to people's lives and also people's animals have been washed away during the rainy seasons and the Government has not dared to go there. The Assistant Minister said during that time, "We have not got advice from the Rift Valley Provincial Council." What is this Rift Valley Provincial Council? It is not that the Central Government is more powerful than these Provincial Councils? Why should we rely on this advice instead of taking action?

After getting this advice, the Central Government should check up and see whether this thing should be done or not. I think it is high time the Government relied on the Kanu Manifesto. We have always been neglected very much, the Turkana and the Suk for that matter. When we come to this bridge, I want the Government to reply with only one word; yes or no. Mr. Speaker, if it is yes, when is the work going to start? We are representatives of the people and, in this House, I think, in the interests of the nation. Tomorrow, the Minister will pass this very bridge if he goes there. There is no question about this.

Mr. Speaker, I do not have much to say on this because I am waiting for the Government's reply from the Assistant Minister, if at all it is going to be sensible.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I would like to ask the hon. Members to be patient and I will give them the replies which they want. First, I would like to thank the hon. Member, Mr. Ekitella, who has spoken very well about the two bridges in question, that is the bridge at Fort Talbot and over the Kerio River. I think the hon. Member who first spoke has the interests of his constituency at heart and I do appreciate and sympathize with what he has said to this House. I would like to say also that the Secunder of the Motion who has said that

[The Minister for Works, Communications and Power]

Government has neglected some areas in Kenya is not right in saying so. There is no place at all which is being neglected in this country when national plans are being considered for development. Every province and every district is considered according to its merits and I am sure the hon. Members—

Hon. Members: No, No.

The Minister for Works, Communications and Power (Mr. Mwanjumba): If hon. Members would be patient, I will be able to give them exactly what Government is doing. The question of classifying roads for development and so on does not lie entirely with the Central Government alone. The procedure which is taken and which is accepted and which is in the Constitution is this: that we have the Central Road Authority which is established under the Constitution. This Authority gets its advice from the Provincial Advisory Council which, in turn, gets advice from the administrative officers and also from the county councils. Now, Sir, according to the Constitution, the Provincial Advisory Council have to provide a list of roads which in their mind they think ought to be considered for development and for construction and so on by Central Government. When this list is brought to the Central Road Authority, Mr. Speaker, it is discussed by the Road Authority and final approval of that list is normally given by the Minister in charge of Works, Communications and Power, which is myself.

Now, Sir, the Assistant Minister, when he replied to the question, that is question No. 972, rightly said that in the list of roads which was supplied by the Rift Valley Provincial Council to the Central Road Authority, there was no mention of any road in the Turkana District. I do sympathize with him on that issue.

Mr. Speaker, there was nothing we could do to bring any road or bridges into consideration by the Central Road Authority.

The Speaker (Mr. Slade): Order, order. There is far too much conversation everywhere.

The Minister for Works, Communications and Power (Mr. Mwanjumba): I hope hon. Members will be patient and listen to what I have to say, because if they do not want to listen, there is no point in my talking.

Mr. Speaker, Sir, when this happened, the hon. Member, Mr. Ekitella, came to me and talked about this. I gave him my advice; that as he is interested in the construction of these bridges

and roads in his area, he should, in the first instance, see his county council and talk to his works committee and make recommendations to the works committee of the Provincial Advisory Council so that some of the roads which they think should have priority could be considered by this council.

Mr. Speaker, Sir, I have already told the hon. Member this and I gave him this advice even before he asked the question. If he had taken that advice, Mr. Speaker, perhaps one of the roads would have been considered by the Central Road Authority which sat some five weeks ago. But having failed to do so, I still do advise the hon. Member that the only channel, as far as we are concerned and according to the Constitution, is to get advice from the Provincial Advisory Council.

Therefore, it is the responsibility of this Council in question to bring us these recommendations, which have to be considered along with other roads in the whole country. Kenya is a very big country and we cannot consider one bridge alone. We have to consider one bridge together with other bridges elsewhere in the country. There are other bridges which are—

The Speaker (Mr. Slade): The object of a Motion for the Adjournment is to hear what Government has to say, and you cannot hear if you make so much noise.

The Minister for Works, Communications and Power (Mr. Mwanjumba): If hon. Members want to listen to what the Government policy is, I think they should be patient. I have said that even though a Provincial Council may bring a list to be considered by the Central Road Authority, the Central Road Authority will not be able at once to accept those roads that have been brought by the Provincial Council, because they have still to be considered together with other roads in the country. Mr. Speaker, there are other roads which merit more attention by Government than any of the roads which the hon. Member or others may be trying to get.

Mr. Speaker, the information which is wanted if a road is to be included in the list of priorities by Government is, for example, the number of cars and the volume of traffic that passes along that road. On this particular road referred to by the hon. Member, I am advised that, as far back as 1956, there were only about five trucks a day, and that figure has now risen to about forty trucks a day. That is a very considerable improvement, considering the nature of the area.

Another thing which also has to be considered is the agricultural and industrial potential of the

[Mr. Ochwada] know and I would like these two people split completely, and let us have one person known as Head of State whom we all respect as that, and let us have another one who we have as our political head with whom we can joke, we can do some mud-slinging and we can do anything else we like. If possible when it comes to that I can throw some books across the Floor, I can also throw some words across the Floor. I think this would be a fairer deal rather than what we have at the present moment whereby when we meet him we do not know what he is at what time and when he is what at what time, and what he should be at what time.

An hon. Member: He is always the President.

Mr. Ochwada: I know he is always the President but he has two sides to being the President. He has the left-hand side Presidentship and the right-hand side Presidentship, whereby he can be prosecuted as President and the other side where he cannot be prosecuted as President.

On one side you can talk to him politically and on the other side you cannot talk to him politically.

Another point, Mr. Deputy Speaker, about the President is the method of electing the President. The method of election of the President is so cumbersome that perhaps in the next election—if by chance we do not have the present President—we might have each Member nominating himself as President. Thus we would not elect a President, we would come to this House to try and elect a President and we cannot elect one. We go back to the country to seek fresh mandates of the country. We come back here without the President; we start all over again. This type of method, I think, is rather on the ambiguous side and I wish the Attorney-General would take this into consideration when he considers a next amendment. It may not necessarily be in this amendment but the next amendment.

Then, of course, Mr. Deputy Speaker, Sir, there is the question of the President's powers and how far the Parliament can go with him. Here is the person whom he can elect in a very queer manner but this person cannot be removed, regardless what he does. This, I think, is what has contributed to the anxiety of most of the hon. Members in this House, about the powers of the President, the powers of emergency and all sorts of powers in the Constitution. Mr. Deputy Speaker, Sir, even if we felt that the President has done something gravely wrong in the country we cannot remove him. We do not want to remove every President, but as the Members

have suggested here. The President cannot remove himself. Here we have the anxiety of the Members expressed by the Back-benchers.

At the moment we have a President in whom everybody has full confidence. We may have the next one who will have cagey support from here and there and who may for the sake of maintaining power decide to become a stubborn President. And the majority of the Members of Parliament may think now, this gentleman has decided to become stubborn, what can we do with him? We do not do absolutely nothing. The Members may go to their constituencies but the President will still remain the President. You will go back to your constituencies until you are elected back here and a new President if you get him. Unless you can get a new one you will still come back to the same President.

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

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

Mr. Speaker, Sir, this question of the power of the President has caused anxiety because of the power ultimately vested in the President where he cannot be removed even by Parliament when it feels that he has gravely wronged the country. So, I suggest to the Attorney-General that when he thinks about the amendment the next time he should take this matter into very serious consideration.

Now, Mr. Speaker, we come to the subject of the referendum. There has been strong views expressed about retaining the powers of the referendum and going out to the country when we feel there is something wrong. However, what is the use of having elected Members in this Parliament if every decision we make must go out to the country. Does this mean that the Parliament has no confidence in Members of this country or that they have no confidence in Members of Parliament when the time comes where a referendum must be taken? If it is not true that Members of this Parliament are representatives of the people of this country? Is it not true that, Mr. Speaker, when an issue arises in Parliament, or a controversial issue arises in Parliament, Members of this Parliament have the right or the responsibility of communicating with their constituencies to find out the views of their constituents before they come to make a decision? Then, that being the case what is the use of even having a referendum in the Constitution? Perhaps we need it for some very, very important and unique reasons. But to me I would have thought perhaps it should have been a referendum

[Mr. Ochwada] in the Constitution unless, of course, those who have expressed very strong views about it feel that since they were elected they have lost the following which they had before their electors elected them to this Parliament. Perhaps if there was an issue which needed the support of the country their own constituencies would not support them.

Mr. Speaker, to conclude this question of land I would say there has been issue of land mentioned here—forests, and some land being acquired by the Central Government. However, I do not quite understand whether we are here representing ourselves or are here representing the people that elected us. If land is taken over by the Central Government, Mr. Speaker, is it not in the interests of the people? Is it in the interests of the Central Government, and if it is in the interests of the Central Government who is the Central Government? If it is in the interests of the nation who is the nation? Mr. Speaker, whether it is a forest or land, as long as it is within the boundaries of Kenya it belongs to Kenya in the interests of the people of Kenya, whether it is in Gichugu, in Teso, or even in Muranga. If a Member from Muranga stands up in this House and says, "it is situated in Muranga and it cannot be acquired by Government because when it is acquired by Government it is not going to help my people". That is wrong. Is the Government bringing people from the moon to come and live on that land? Is it acquiring land because it wants to build a game park for some antelopes or giraffes? If that is so, then the Member for Kajjido would enjoy some rich grass and trees that grow in some other areas.

The Speaker (Mr. Slade): I am afraid I shall have to ask you to stop, Mr. Ochwada, because it is time to take the Motion for the adjournment. Would you like to continue next time?

Mr. Ochwada: Yes, Sir, I will continue next time.

NOTION FOR THE ADJOURNMENT

BRIDGE LINKING NORTH AND SOUTH TURKANA

The Speaker (Mr. Slade): It is time for the interruption of business, and I will now call on a Minister to move that the House do now adjourn.

The Minister for Lands and Settlement (Mr. Angiano): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

Dr. De Souza seconded.

Mr. Ekitella: Mr. Speaker, Sir, if you recall, when I asked Question No. 972 I received replies which were very unsatisfactory. The Minister answered in a very vague way saying that provincial council could not put up a bridge because that was not on the list. Now, Sir, I would like to inform the Government that the—

Mr. Aremam: On a point of order, Mr. Speaker, may we know whether on a Motion for adjournment, the Mover of the Motion is permitted to read his speech from his notes?

The Speaker (Mr. Slade): There is a Standing Order which says that hon. Members should not read their speeches. They are allowed to have notes to read from, but that should not be every word.

Mr. Ekitella: There is procedure, Mr. Speaker, but I must read from my paper. I must read what I want.

The Speaker (Mr. Slade): You must not carry on talking like that, Mr. Ekitella.

Mr. Ekitella: I will put my paper down, Mr. Speaker. I would like to say that the Member who put the point of order did not know what he was talking about.

The Speaker (Mr. Slade): Oh, Yes, he did know. He was quite correct in his point of order.

Mr. Ekitella: Mr. Speaker, I wish to raise this matter on the adjournment, and nobody can oppose me. Members must keep quiet.

Mr. Speaker, since the matter of roads has been forgotten for so many years—Mr. Speaker, I am sure that most hon. Members here have never gone on those roads; I am sure the Minister for Works and Communications knows this. He for Works and Communications knows this. He knows that we have to go through Uganda, and the Kenya Government has no support of this, the Kenya Government does not get even one small penny. We pay all the money to Uganda. I would like the Minister who is concerned with communication to build a bridge to shorten the way so that, instead of going through Uganda; we only go through Kenya. We can go through another way. I am sure that most of the Members here have never gone to Lodwar, because they will be stopped on the way and he is stabled in the back. Those Members who have gone there they know this well.

An hon. Member: On the contrary, I know it all too well!

Mr. Ekitella: Mr. Speaker, I have brought this Motion so that the Kenya Government will give this priority and and appreciate it, that the

[Mr. Ochwada] see sitting on the Front Bench will sit there for ever and ever—some of them might be kicked tomorrow by Mzee and one of us here might be picked up and be placed on that Bench over there—and unless we are suggesting that we are not going to be human beings at that time—I was very much surprised when this was expressed by the hon. Member for Butere, that perhaps he would become the President tomorrow—and he hopes to become one—and he would be one of the most ruthless Presidents, one of the most uncouth Presidents and one of the most unreasonable Presidents who will not listen to the Parliament either. Where are we heading for, Mr. Speaker, Sir? Either we are speaking something we, ourselves, understand or we are speaking something that we do not know.

If the question of amendment is the only problem, an amendment can be made. An amendment can be brought up at any time, an amendment can be brought up even in the Parliamentary Group, an amendment can be presented to the Attorney-General through the Back-benchers Committee. This, to me, is a very simple thing, which I do not think should take much of our time at all.

The second one, Mr. Speaker, Sir, is about the power given or suggested in here in declaring a state of emergency. I was not here when the Minister for Economic Planning and Development was speaking, when he suggested that seven days is just as good as twenty-one days, but I think twenty-one days is a little on the high side. However, Mr. Speaker, Sir, if we feel that the Government has declared a state of emergency and probably wants to extend the state of emergency for over fourteen days or even twenty-one days, and then declare it again, who is this Government? I am given to understand the Government is not necessarily the Cabinet, that the Government includes even Members of Parliament, the Government includes the public at large, and if the Government does that once or twice, and the Members have not made any *manero* or have not even notified their own constituencies, who is to blame? I think the Members also have something to say about that. If they feel that the Government has declared a state of emergency and seven days have gone and Parliament has not been called, it is up to the Members to get to Nairobi as quickly as possible and probably see the Attorney-General, or find out from the Vice-President, who is in charge of Parliamentary affairs, why he has not yet summoned the Parliament, to give the okay to go ahead with that state of emergency. However, I

would have liked to see the seven days remain, but I do not see any reason why we cannot accept twenty-one days if we feel that we are also part and parcel of the Government.

Now, Mr. Speaker, I come to the question of provincial councils, and this is where most of the Members, particularly the original Kani Members, surprised me a bit. On several occasions in our governing council meetings, in our Parliamentary Group meetings, in our Back-benchers meetings, it was these colleagues of mine with whom we started in Kani, who kept on boasting that this *Majimbo* must go. What *Majimbo* were we talking about, the name or the powers given to the *Majimbo*? If the powers given to the *Majimbo* are what we want to be eliminated, what is the use of retaining the human beings that were given those powers? All right, I do sympathize with these human beings because they are just as good human beings as I am, and I do agree that they are entitled to substance and existence just as much as I am entitled to substance and existence. But whose fault is it that *Majimbo* has been scrapped? Is it the fault of those people or is it one fault here, the people who advocated that *Majimbo* must go? We must accept some responsibility. We should not turn around when the Government has brought up a draft and say, "All right, hon. Charles Njorô, you have made a mistake," when in fact we are responsible for the passing of the Bill. We must share the responsibility. Let us face it. We must share the responsibility and we must be prepared to share it. We must not now turn around and say to the people in the Regional Assemblies, "Look, I'm fighting for you gentlemen, I am fighting for you to get a salary," when in fact we have been responsible for scrapping their position from the Constitution. Surely, Mr. Speaker, Sir, if the Government has scrapped completely the powers of *Majimbo* and the powers of the Regional Assemblies, then the best thing would have been perhaps for us to ask the Government, "What are you doing for these people?" I have been informed that the Government is doing everything possible to fit these people into various positions in various departments and in fact some of them have already obtained jobs. There may be some people in the Eastern Region who have not been fixed, but I do not think that someone has forgotten them. It is the responsibility of the Members of the Eastern Region to keep on reminding the Government that we have so-and-so in the Eastern Region who has not been fixed up with a job yet.

It must also draw the attention of Government to—It is not just a question of saying "Yes,

[Mr. Ochwada] and tapping your feet against the seats, bear", and the Government also has a responsibility there. In the Civil Service Commission there is something known as qualifications, education and what have you. Some of these former Regional Assembly Members are people who struggled when some Ministers were perhaps still at school, getting the education that get them the Ministerial posts; some of these people were those who were struggling to get independence for this country. These people did not manage to have an opportunity to go to school; they do not have the required qualifications, educationally and otherwise. Because there is that clause in the Civil Service Commission, that these people are denied a livelihood. There are some of them who have better experience than some of us to sit on this Front Bench and can do a better job in any office of the Government. I mean any office, including Permanent Secretary or even President, because the President is a human being. I repeat any office. They can do a job in any office of the Government, but because they do not have that degree which is prescribed in the Civil Service Commission, they cannot get a job. This must also be reviewed, Mr. Speaker, and let these people get a job as quickly as possible, if we do not want to have a national problem on our hands. If we do not want to have a national problem on our hands, these people should be fixed in various jobs as quickly as possible, and we must not sit back and say as quickly as possible, which might mean as quickly as possible in so far as 1970 is concerned. We want them to get jobs this year and let us get rid of the Regional Assemblies completely.

Now, Mr. Speaker, Sir, the powers of the President—The hon. Mr. Khalif tells me that there is nothing wrong with the powers of the President, but there have been some Members who have raised a question about the powers of the President. Mr. Speaker, Sir, I do agree with them in one respect—

Mr. Ekitella: On a point of order, Mr. Speaker, is it in order that every Member speaking here is to mention the President?

The Speaker (Mr. Slade): What are you complaining of, Mr. Ekitella?

Mr. Ekitella: My point of order is this, Mr. Speaker, is it in order that all Members, when they speak, go on mentioning the President's name?

The Speaker (Mr. Slade): There is nothing wrong with that.

Mr. Ochwada: Mr. Speaker, Sir, as regards the powers of the President, I tend to agree with some Members who have expressed anxiety about the position of the President. His Excellency the President wears two caps, and it is very difficult for me in particular to know when his Excellency is Head of the State or his Excellency is Head of our Government.

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

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

This, Mr. Deputy Speaker, Sir, I think, is a position which the Attorney-General should examine very carefully. Mr. Deputy Speaker, Sir, we are politicians and one of these days the President will come and sit on the Front Bench and perhaps on that day one of us will decide to have a go at the President, and talk to him as Head of Government, talk to him about affairs in the Government, and probably the old man might not like the way that the Member might present the views. Then suddenly, he may go out of that door and put on the other cap, truns around and says, "Now, honourable Member, I declare you A. B. C. D." Mr. Deputy Speaker, this is where I have a problem. I think it has come to a stage—

The Assistant Minister for Lands and Settlement (Mr. Gachago): What is A, B, C, D?

Mr. Ochwada: That little ball which you used to play with when you were a little boy.

Mr. Deputy Speaker, Sir, this is where the problem comes in. I think it is only fair that we should know whom we are talking to, when we are talking to him, and where we are talking to him. At the present time, Mr. Deputy Speaker, Sir, it is very difficult for me to tell, and especially when I fix an appointment to see the President and he invites me to State House, whether in State House I am speaking to the President as Head of State or as Head of Government. Similarly, even in Harambee House I cannot tell whether the President in Harambee House at ten past ten is Head of State or at eleven past twelve is Head of Government. This, Mr. Deputy Speaker, puts me in a very embarrassing position, I am quite confused, and at times scares me even from going near the President. The hon. Khalif wants to know why I am scared. The reason why I am scared is this. The President as Head of State has the right to do anything and you can do nothing about it, so that is a problem. I should know when I have the power to do anything and when I can do nothing about it. That is why I would like to

The Speaker (Mr. Slade): You are entitled to ask him to substantiate.

The Assistant Minister for Lands and Settlement (Mr. Gachago): That is precisely what I am asking.

Mr. Gichoya: I am not labouring on this very much, and I know that we have the hon. Mr. Kamau, Member for—

Mr. Kamau: On a point of order.

The Speaker (Mr. Slade): You must sit down, Mr. Kamau, because at the moment we are dealing with another point of order, and Mr. Gichoya is substantiating.

Mr. Gichoya: I will answer this as it is. A meeting was called by the President of the Regional Assembly and if the Member cares I can give him a document which shows that he was a Member in attendance, and one of the topics which were discussed was the provision for members of the Regional Assemblies, and he was one of those who supported the view that these people must be given something to live on, and now he mentions that I am hearing things.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): You say, Mr. Gichoya, that he was there?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, how does the hon. Member know that I supported what he said, if I did not speak on this topic?

The Speaker (Mr. Slade): I hope that we are not going to waste another half an hour on this, but Mr. Gichoya, did you say that you heard Mr. Gachago speak?

Mr. Gichoya: Mr. Speaker, Sir, I maintain that he did speak on it. The minutes of the meeting can be easily had from the President of the Regional Assembly.

The Speaker (Mr. Slade): If you can be proved by Mr. Gachago to be wrong, you will, of course, acknowledge that fact to the House another day.

Mr. Gichoya: Yes, Sir.

The Speaker (Mr. Slade): We will now carry on with the debate, and try to avoid, Mr. Gichoya, mentioning things that irritate other Members and raise constant points of order.

Mr. Gichoya: Mr. Speaker, one thing in this connexion with the production of the minutes—

The Speaker (Mr. Slade): We will leave that alone now and move on to the next item.

Mr. Gichoya: Mr. Speaker, Sir, the other thing is the emergency powers, from seven days to twenty-one days. It is understood that we are responsible, and we are in a position to tell our Government that an abnormal situation has arisen in a particular area. Those who say that seven days are inadequate want to imply that our Government machinery is not actually capable of coping with a situation in this country, and our machinery is not as capable as the previous machinery which existed here and found that seven days was adequate for the operation.

Mr. Speaker, Sir, twenty-one days can be very dangerous. Something can be done and the Government of Kenya will not be answerable to anybody within twenty-one days, three weeks, and much harm can be done, and if that is the case, it amounts to the fact that we are empowering the destiny of this country to a few people. Suppose there is an emergency, Mr. Speaker, in a particular area as there is now in the North-Eastern Region, and the officers who are supposed to execute the emergency measures go to extremes as they have done on occasions. Mr. Speaker, Sir, I was locked up under the emergency regulations in a detention camp without being presented before a court of law. The idea then was to suppress all nationalists. What the people's authority is going to do now is to get the period extended—

Mr. Omar: On a point of order, Mr. Speaker, I wonder whether I am in order, because of the exhausted speeches to move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): I have already answered that to hon. Members here, but I do not think Mr. Omar was here; that in a debate of this kind, with so many amendments involved, I do not feel that I can allow the closure and I am quite satisfied that all hon. Members who have anything new to say have said it. This particular point, very important as it is, has been discussed by many hon. Members.

Mr. Gichoya: Mr. Speaker, Sir, if the Constitution of Kenya was to be drafted by the Members of this House as a Constituency Assembly, it would have taken them a number of months to draft it, with experts surrounding them and approve it as a team and bring it to the Members of the House to approve what has already been drafted by as many people as possible. This has been drafted by a few Members, a team of experts, and we are responsible for whatever is wrong in the Constitution on for whatever is

[Mr. Gichoya] and it would be wrong to hurry it up, good, and some of us are students of the Mr. Speaker, Sir, some of us are students of the Constitution and apparently that little knowledge we have begun to utilize.

Now, Mr. Speaker, Sir, my proposal, which I think ought to be included in the amendment, was of course, Mr. Speaker in the original amendment, the first amendment of the Constitution; dissolution of the Parliament. I will say this, if this House cannot be listened to by the Cabinet Members it is high time we dissolved it. I hate to feel that the Member who is supposed to make the law is not allowed the latitude to make the law. I represent the people of Gichugu, Kirinyaga District.

As hon. Member: Will you come to your point, Sir.

Mr. Gichoya: Mr. Speaker, Sir, I believe that if the Government is not willing to listen to the suggestions put forward, we are bound also as human beings to reject the amendment by putting our case forward in terms of voting and I suggest that in case the House is forced to accept the amendment without making amendments to these amendments, the Senators should be requested by this House, and I request them through you, Sir, that they must stand firmly and reject it and let us go for general elections on the Constitution. With these few words, Mr. Speaker, Sir, I am ready for the elections.

Mr. Ochwada: Mr. Speaker, Sir, I feel that some of the remarks which were made by an hon. Member of this House are incorrect and therefore they should not be left uncorrected. I am referring particularly to some remarks made by the hon. Member, Mr. Gichoya, that the purpose for which we passed the last amendment to the Constitution was only to get rid of the Governor-General. I think this has given a very bad impression to the world with regard to the purpose and intentions of this House during last year's debate on the amendment to the Constitution. I believe at that time we were discussing the amendments in order to affect amendments to the Constitution to enable Kenya to become a Republic and not necessarily to get rid of the Governor-General.

The Speaker (Mr. Slade): As a matter of fairness to Mr. Gichoya, he meant that, the Governor-General was the symbol of Dominionism and he was not being offensive to the holder of that office. I know.

Mr. Ochwada: Now, Mr. Speaker, Sir, the second point was that the demand by the Government of 65 per cent a figure to amend some

parts of the Constitution was to indicate lack of confidence in this House. Perhaps this may be so, but to me it looks as if it is not true at all. I believe that the present state in which we are at the moment that we might have had no percentage at all and perhaps only a simple majority, however, that is just a correction and I will come to that later on.

Mr. Speaker, Sir, I think that while we are discussing this amendment to the Constitution we should first of all bear in mind the fact that while the original Constitution was being discussed, either at the Lancaster House Conference or before the Lancaster House Conference, there was a certain amount of fear which had culminated in the minds of the people of this country or a certain percentage of the people of this country which led to the arguments that were presented to the British Government during the Lancaster House Conference and led us to have the Constitution that we had at that time.

This fear to the best of my knowledge, from a party known as the Kenya African Democratic Union, and I am very much surprised—and, Mr. Speaker, I must make it quite clear that I am not answering on behalf of Government, I am only expressing my own views—to know that in fact most of the Members who were very strongly opposed to Kadu policy at that time are the people who are now supporting the very policies that were advocated. Mr. Speaker, this was new to me and I do not quite understand whether we are moving forwards or backwards or doing anything at all.

Mr. Speaker, this question of a percentage of 75 per cent or even 95 was placed there because at that time Kadu was afraid that if Kenya came into power they would probably turn themselves into some form of wolves or hyenas and start eating up everyone else in the country except Kaniu. But then it has come to a stage whereby they themselves have realized that, in fact, they were making a slight mistake. To my greater surprise at the present moment, during this debate, I found that those who stood for these obstructive policies are, in fact, supporting very strongly the amendments that have been put forward and the people who were against them are opposing the amendments put forward.

Now, Mr. Speaker, the Constitution is a written document, it is a document made by human beings and anything made by human beings can always be changed by human beings. If, at a later stage we feel that what we are now amending is not conducive to the circumstances that will be prevailing at that time, I do not see why, unless we are suggesting that these people who

Mr. Gichoya: Yes, Mr. Speaker. Sir, that makes it clear that we have a forest and that is the one I am referring to. All this is one important thing. Unless and until the Minister has the consent in writing which ought to be notified to me too from the County Council of Kirinyaga, I will oppose the amendment. That is one thing. That means the Minister, or the Attorney-General, should have consultations direct with the county councils concerned, particularly Kirinyaga County Council, to get the consent. To this effect, I am referring to the fact that the Bill must be deferred for some time and amendment debated.

Moving ahead, Mr. Speaker, Sir, to the question of the Trust lands, Trust lands which are under the new amendments immediately reverted to—if this is passed—the Commissioner of Lands, and if the Commissioner of Lands has been told to have it—I think I had better make it clear, Mr. Speaker—clause nineteen. Mwea is a very good example of this particular operation in this clause where our President, using his position as a President of this country as well as the head of the Government, went to Mwea Tabere and said "Mwea does not belong to the people of Gichugu, Mwea does not belong to the people of Ndia, Mwea belongs to the black man." It is true that Mwea belongs to the Africans. In the history of our country, Mr. Speaker, Mwea has belonged from time immemorial to the people of Gichugu and Ndia. Today, Sir, the Regional Assemblies of East and Central had come to a deadlock because a portion of Mwea, which is guaranteed by the Constitution, and belonging to the people who by tradition own it, had not been resolved. A deadlock is still there and the case has been put before the Attorney-General according to the procedure laid down by the Constitution of Kenya.

The Members for Embu North and Embu South, the two Members, will have the liberty to contradict what I am stating in this House—

The Speaker (Mr. Slade): What amendment are we discussing now, Mr. Gichoya?

Mr. Gichoya: I am trying, Mr. Speaker, to establish the question of how the trust lands are taken without the consent of the people.

The Speaker (Mr. Slade): You are still on clause nineteen, are you?

Mr. Gichoya: Yes, Sir. It is a very interesting clause, Mr. Speaker, Sir. What I am saying is this; if by any means an area has been proved potentially important, that area in one way or another, without the consent of the people, is

going to be taken over by the Central Government. When an area is developed by the local people, it is both for the interests of the people of that locality and of the national population. So, consequently, it is for the national good. The connotation that it is only when it is vested in the Central Government it becomes of national importance defeats the very argument that even private property in this country must be respected, because those private properties do contribute to the national wealth. If these private properties contribute to the national wealth, I am of the very strong opinion that properties of the county councils do contribute to the national wealth, and for this matter, Mwea Tabere being the property of the people of Kirinyaga and—

The Assistant Minister for Home Affairs (Mr. Nyagah): on a point of order, Mr. Speaker, Sir, I would like to seek your ruling on this issue of Mwea Tabere which has been referred to often and which is also a subject, I understand, of the memorandum to the Attorney-General. It is in order for this matter to be referred to time and time again here when people interested in this House have no chance of making a contribution towards the debate? Is it *sub judice*?

The Speaker (Mr. Slade): If it is relevant to the Bill under discussion and is not wholly *sub judice* that is to say the subject of judicial proceedings, the hon. Member can discuss this item. I have not yet seen the close relevance to this clause, but I will be patient yet with the hon. Member.

Mr. Mhogobu: On a point of order, Mr. Speaker, the hon. Member while speaking said that there was a part which belonged to Gichugu and it is administratively under Embu. Could he substantiate that?

Mr. Gichoya: Mr. Speaker, Sir, there has been argument over this Karaba is a very good example and Karaba Location was in Mwea Division, so consequently Karaba used to be a part of it. But by sheer mistake on the part of the commission which did not understand the historical background of our own society, it was administratively put to Embu and the case is still going on about it. So I think the Member for Embu North ought to have consulted his colleague for Embu South who is today representing that part wrongly.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, on a point of order, Sir, can the hon. Member for Gichugu substantiate that I am representing a part which is not yet constituency wrongly?

Mr. Gichoya: Mr. Speaker, Sir, I am putting it very clearly, that by a sheer mistake of the commission, which did not understand the usages and customs of the people, that part was wrongly placed to a part which we call now a part of Embu South. So, it is not—

The Speaker (Mr. Slade): Are you talking about constituency boundaries or what?

Mr. Gichoya: Yes.

The Speaker (Mr. Slade): Well, constituency boundaries have nothing whatsoever to do with this amendment. Do keep on subjects that are relevant.

Mr. Gichoya: Yes, Sir. That is a problem which has been posed by the two Members who feel—

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, when the boundaries were fixed by the commission and were included in the Constitution—

The Speaker (Mr. Slade): Which commission are you talking of now?

The Minister for Finance (Mr. Gichuru): The Boundaries Commission. The constituencies—

The Speaker (Mr. Slade): We do not want to talk about constituency boundaries at all.

(Mr. Gichoya: Mr. Speaker, Sir, in ending that point I will say this; the intention of Trust lands ought to be to get the full approval of this House and the other House as well.)

Moving to the other point which is actually wrong, I am dealing with the question relating to Members of Regional Assemblies. Regional Assemblies, we agree, should be abolished; that is agreed upon, but the approach to the abolition of Regional Assemblies is what we have not agreed upon. Here, my suggestion which I put as a proposal forward for the Attorney-General, is as follows. If these Regional Assemblies are going to be reduced to the status of advisory councils, then it follows therefore that the regulations which bar these members of Regional Assemblies from participating or from getting employment in the Central Government should be completely taken away as far as they are concerned. In other words, members of Regional Assemblies should be allowed to be civil servants of the Kenya Government and at the same time maintain their positions as councillors who are to advise the Central Government. In certain places since they still hold positions of being elected members, if that one is not possible, Sir—

and this is why we are complaining that we were not taken into consideration to agree on the nature of amending the Constitution, and this is why we are putting forward our views on the Constitution so that it can be amended in a way which people like—we would like the members of Regional Assemblies removed. I agree, let them be removed. Let them be given a notice of six months, say, with full salary to adjust themselves and things for themselves.

Mr. Speaker, Sir, we say—even the Civil Service says—if somebody is going to be removed from this entirely, from his own employment—They are human beings in the Civil Service. They must also be compensated. If people say that there is no money to pay the salaries of the elected members of Regional Assemblies, we must think about where to get money to pay the people, the civil servants who are claiming to be expatriates.

Mr. Speaker, Sir, they, the members of the Regional Assemblies, must be given a six-month period with full pay if their powers to pay themselves are to be removed. It is no good kicking them out, and anyone who thinks that we are using them for political interests must understand one thing, that his brother may be a member of the Regional Assembly as far as the members of the Regional Assemblies are concerned.

Mr. Speaker, Sir, I think it is better if these people who say that they are removing them so as to avoid the clashes during the next elections should understand that these people have the same political rights like any other citizen, and if a member of the Regional Assembly wants to stand in my constituency, he is at liberty to do so. But, let us be human. Mr. Speaker, for the information of this House, I disclose that we had a meeting of the elected Members of the Central Province, and the first man who put a statement "that is not confusing" to reality was the member for Kiharu, the Assistant Minister, Mr. Gichoya. He assured the members of Regional Assemblies and the Members of Parliament that all Members of the Central Province would support their claim for better conditions if the Regional Assemblies were going to be abolished.

The Assistant Minister for Lands and Settlement (Mr. Gichoya): On a point of order, Mr. Speaker, is it in order for the hon. Member to represent me by saying something that I never said and by saying things that are not connected with me, although it happened in a constituency meeting?—

[Mr. Gichoya] may also stand in the way of our economic development.

Now, Mr. Speaker, Sir, many people have been saying that our Constitution which we are now amending is an Imperialist Constitution. Granted, Sir, that it was so, but the Members of the Kenya Government who went to London to draw up the Constitution, if they had followed the Kanu decision after getting the Constitution which they were eager to obtain so that they could form a Government shows, Mr. Speaker, that this would have necessitated summoning the Kanu Governing Council to get a fresh mandate from the party. We are faced with the problem of a Constitution which is not ours. What I mean here is this. If by any means our leaders did realize that they were cheated by the British Government and the British Government was so clever, and we had sent a very poor team from this country, then since we are now more than what they were why should we not go forward and do away with those objections that were presented before the Lancaster House Conference. If a Bill would not be passed then bring the Bill again before a free people without any coercion from anywhere. These policies have been approved by the governing council of Kanu and have now become part and parcel of the Constitution. If the problems are a challenge then we can decide what is morally wrong, what is principally wrong and what is politically wrong. So long as it is not agreed by the people it can never have any standing in the future.

Mr. Speaker, Sir, I have made clear that our relationship is that of trying to build a nation and not destroying a nation. Now, let me take one part of the Constitution, the amendment which we are now dealing with, which refers to land. Here clause 19 (1) says: "The Commissioner of Lands shall be deemed for the purposes of section 53 of the Trust Land Act to have been authorized upon the commencement of this Act by every county council to administer the Trust Land for the time being vested in it."

On page 40, Mr. Speaker, Sir, clause 212, Forest on Trust land, and I would like to quote:—

"Notwithstanding any of the provisions of this Chapter—

(a) the Minister for the time being responsible for forests may, by order published in the *Kenya Gazette*, designate any area or areas of forest that are situated on Trust land as a Central Forest; and

(b) subject to the provisions of any law made in that behalf—

- (i) the executive authority to establish, manage and operate Central Forests on Trust land shall vest exclusively in the Government of Kenya; and
(ii) The revenues from such forests shall belong to the Government of Kenya."

Now, Mr. Speaker, Sir, these questions have been where I would rather have the ruling of my county council before I allow the Government of Kenya to take forests which are today the county council's responsibility and for that matter I take Njukiini as a very good example. The shortage of land today is due because of the uneconomic forests remaining up and therefore the county council can denounce their former ruling in the Chamber and make it a place for settling the landless people. Mr. Speaker, Sir, I strongly object to the question of Central Government taking certain parts of the country, that are the forests, which are within certain districts, especially in the Kirinyaga District, without the authority of the county council, and also for that matter the county council in the Kirinyaga District. As I said before, the reason is very simple.

Today we shall not be able to obtain the former settled areas, where we have, for example one of our Members, Bruce McKenzie, our capable Minister here, who, by rights he should have it, owns an estate, and other settlers, although—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on a point of order, would the hon. Member please substantiate that I own any estate?

Mr. Gichoya: Mr. Speaker, Sir, if the hon. Minister does not have a farm, then I will withdraw it, but if he has does have a farm then I cannot withdraw it.

The Speaker (Mr. Slade): If you are not certain that he has a farm or an estate then you will have to withdraw that statement.

Mr. Gichoya: Mr. Speaker, Sir, in case my definition of an estate, which is a farm, does not apply to the Minister then I will withdraw it, but if he does—

The Speaker (Mr. Slade): You are wasting time on this, and time is very precious; but if you would like to say what you really mean, then you can substantiate that.

Mr. Gichoya: Mr. Speaker, Sir, I understand that the Minister does have a farm and consequently my definition is correct. It is within—

The Speaker (Mr. Slade): What is your reason for saying that he has a farm?

Mr. Gichoya: Mr. Speaker, Sir, he has not objected to having a farm, Sir.

The Speaker (Mr. Slade): All right. All right.

Mr. Gichoya: Mr. Speaker, Sir, now we have for many years been subjected to teachings and so on this matter I would like to refer to our great teacher, Mzee Jomo Kenyatta. He was one of the greatest teachers in political science and the political bodies in this country, and in the Kenya African Union. We fought for his teachings and those of his colleagues who had to get independence we had it at all was, or we had to fight for independence and then the land which was owned by the settlers would come to us automatically. This has been a very good teaching, Sir, and I thought that those who went to the Lancaster House Conference could have stated that we have been teaching our people for a number of years that the land belonged to them, but by a wrong process of history that land was taken and given to a group of people by means of survival of the fittest. Survival of the fittest, Mr. Speaker, Sir, in the sense that an arrow and a bullet were set equal. Consequently the man who had an arrow, or for that matter a spear, could not stand up to a man with a gun.

Now (Mr. Speaker, Sir, our leaders in the Lancaster House Conference were not in a position to convince the British authorities of the attitude of our people on land. When the Constitution was drawn, guaranteeing the existence of these estates whether properly managed or whether they are today being ridden with wild life or wild animals whereas so many people have no land and this remains so. Now, Sir, what my objection to this is that what my people managed to own during those days of colonialism, that part of the land must remain theirs, and there is no question of using a position of responsibility because you are a Minister or because you are holding this position to kill the people of Kirinyaga by depriving them of what they supposed to be by nature, and I mean, Mr. Speaker, Sir, by nature because there is no Government of Kenya which gave us the Mwaa. Since time immemorial the Mwaa plateau has belonged to the people of Kirinyaga.

The Speaker (Mr. Slade): I think you must move on Mr. Gichoya. It is this amendment of the Constitution that is relevant. It is the question of forests being taken out of Trust land.

Mr. Mbogob: Mr. Speaker, Sir, on a point of order, would I be in order to ask that the Mover can now be called upon to reply?

The Speaker (Mr. Slade): This is quite an important amendment to the Constitution, an amendment which involves so many different amendments. I must allow the House plenty of time to get hon. Members a hearing, but there must not be repetition, nor irrelevancy, and I do ask hon. Members to keep strictly to the point, as much as they can, and as shortly as they can.

The Minister for Information, Broadcasting and Tourism (Mr. Achiong-Onek): Mr. Speaker, Sir, on a point of order, when we are referring to forests here in the amendment, and the hon. Member is explaining that it is not all forest areas, is this in order, Mr. Speaker, Sir, to allow our precious time to be taken up by this type of comment?

The Speaker (Mr. Slade): I cannot rule this as a matter of order that a man must stop talking because hon. Members think that he is not talking much sense, or perhaps I think he is not talking much sense, but so long as he is relevant to the subject matter and does not repeat what other hon. Members have said, I must let him go on; but I must suggest again, that hon. Members need not be quite so long-winded.

Mr. Gichoya: Mr. Speaker, Sir,—

Mr. Kamurru: Mr. Speaker, Sir, in view of that fact that some other Members would like to speak on this Bill, I would like to seek your ruling that whenever a Member has been speaking for such long time it is not in order for him to stop when we ask him to stop.

The Speaker (Mr. Slade): Order! Order! I have given my ruling.

Mr. Gichoya: Mr. Speaker, Sir, I would like to explain one point which the Minister for Information, Broadcasting and Tourism brought to our notice, and it is very unfortunate that tourism in our area has not been properly promoted. One part belongs to Kirinyaga District and one part belongs to Embu District, and Mr. Speaker, Sir, I do not think that it is shame in defining the exact Constitution or aspect of the Njukiini Forest, but the forest I am referring to within the Trust land, up to this moment, is within the Minister can clear it so that he can send tourists to shoot the animals and photographing: the animals and for that matter—

The Speaker (Mr. Slade): I do not think that that is relevant to the amendment. Please keep to the point.

[Mr. Shikuku] very intelligent, well able, if not twice as much as some of us in this Parliament. Therefore, to provide a chance for those brains outside this Parliament, to provide a chance for those who have different views from us to exercise their freedom which is also included in this document, we must agree that there must be a referendum. If we are going to assume that we are omnipotent, or that we are all that we imagine we are, then this country could as well be threatened by those who have different views and ideas from us. Therefore, I consider the question of referendum as one of the Bills of Rights enshrined in the Constitution, because if I remove the referendum we are actually removing the freedom of choice, the freedom of choice which in itself is unfair. Therefore, Mr. Speaker, I completely disagree with this portion and I would like the Government to leave it as it is, that there should always be a referendum when the time comes for the public to decide what they want to do.

The other issue, Mr. Speaker, is this question of the powers of the President. Some of the Members have complained here, saying the President is given too much power and that there might be a possibility of having a dictator in the future. Of course, Mr. Speaker, this was said by us. If you check in the HANSARD you will find we said this. We saw that a long time ago and some Members who did not realize it then and are seeing it now when it is so late. Nevertheless, we are here to put things right. The President of this country can come from any corner. We do not know who will be the President of tomorrow. Of course, you may be surprised to find that the Member for Butere will one day be President of this country. We are only basing our reasoning, basing whatever we have in our minds on what we have before us, namely, the living President of today. Of course, he is such a magnificent man, he is a smart man, a man who is admired not only in this country but all over the world, but it is his going to live forever and a day? Mr. Speaker, I can assure the House that even if you organize a strong delegation to send to God to ask Him to allow the President to live for another sixty years I am sure God will turn down that delegation. Even if that delegation is headed by the Vice-President, God may refuse to listen, God will turn that delegation down because it is impossible to agree. Therefore, Mr. Speaker, I would like to warn the House again that we must not base our reasoning on the present President. Let us think of the future President. We might have a devil who may come into power and these amendments we are making here we will

find very difficult to change at a later stage because the devil will be the President running this country of ours. Some person sat down and thought that by giving these powers to our beloved hon. Kenyatta things would be fine. All right, they are fine, but what happens after Kenyatta? That is the question.

An hon. Member: You take over.

Mr. Shikuku: All right, I take over. Will Shikuku be good?

Under section 33 (g) it says that this person cannot be sued and so forth and we may find Kenya too hard and difficult to live in. I tell you some of you will learn to behave.

Therefore, these powers of the President should be looked into. I am appealing very strongly to the Attorney-General to consider the powers of the President, to consider them with all the ourselves into trouble. In future we may get ourselves into trouble and there may be a person at the top who will not allow us to change things.

Some Members take this document as it comes in bits and never realize what is being done. It is like eating the ground-nuts in your pocket one by one. You never realize you are finishing the ground-nuts in your pocket one by one and then when your pocket is empty you wonder whether there is a hole in your pocket. So, this tactic of bringing this Bill in bits like this is bad. We are taking one piece after another and in the end we shall find that we are completely confused. We shall have slowly dealt with the whole document and then we will find it difficult to go back to the beginning and decide to deal with it as a whole. That is the time when we shall shed crocodile tears.

I feel, as a young man in this country, Mr. Speaker, I am more concerned with these amendments because I have a long way to go. If not I die because of old age I am very far from it. Some of the hon. Members here will have to go before me. However, I am more concerned with the future generations of this country. Therefore, I feel that since there are some hon. Members who are even younger than me we should all unite to consider the future of our people because we have a long way to go: Our future depends on this document. Some Members have told me—and I wish to repeat this—that the Attorney-General should reconsider this document carefully and not in a haphazard way because whatever is in this amendment is completely unacceptable to some of us.

I do not wish take up much time of the hon. Members but I would only appeal to those in

[Mr. Shikuku] power to realize that we are here, we are young men, we have to build Kenya for ourselves. Those who are old and have to leave this country for Kingdom-come can do so but they must realize that they are leaving their children and grandchildren behind them. That is why we must consider the document very carefully.

For these reasons, Mr. Speaker, I beg to oppose.

Mr. Gichoya: Mr. Speaker, I have really very many things to put forward but at the outset I beg the liberty to state one thing. That is this: the Parliament of Kenya should either be respected as a Parliament or it should be abolished. Personally, Mr. Speaker, Sir, I feel that we come here with good intentions and in good faith, to make laws for the good of this country. But when a stage comes and we suggest to the Government that modifications should be made here or there and we are told that we are trying to destroy the Government, a simple thing, that the rule of the day, whereby you hear those who say there is something wrong somewhere and this wrong thing must be corrected. They say this has come by people who are revolutionists. Consequently, under the Constitution which we are amending, now we are bound to give our Government which is already suspicious of the Members of this House something not to the liking of the Ministers, but for the harmonious running of the country and, by so doing, we are liable to be put either in detention camps, or, where necessary, another weapon could be used.

An hon. Member: It is a shame to talk about detention camps.

Mr. Gichoya: Talking of detention camps and being in detention camps is not shame because even our President was in a detention camp for a number of years. So, for me even twenty years is nothing.

Mr. Speaker, Sir, what I am trying to say is this: the feeling that is in the minds of the Cabinet Members should be thrown away completely. They ought to completely forget that we are enemies of one another and consider that the Members in this House are as good as the Members of the Cabinet in terms of nation building.

The reason I say this is because what the people have objected to should be removed instead of coming here for a tug of war. It happened in the first amendment that what we objected to were told, here is a problem,

either you pass it or it goes back for redrafting. As a consequence the Governor-General will still remain at State House. We said, for heaven's sake, let us make our independence complete. And, so we accepted with good faith the amendment so that our President could become the head of the Republic of Kenya. We did it in good faith but on the understanding that in future we are entitled as Members of the National Assembly to make amendments of the Constitution in a peaceful way. However, today we are told, well, either you reject it and we shall get it away so long as there is a majority in this House to get it through. A majority, Mr. Speaker, can be wrong and if the majority is wrong that majority is going to put us in the ditch. Tomorrow that majority will change and become a minority. Then we will realize that the sailing was not very smooth.

I am talking of the amendment which is allowed to amend the Constitution, the majority which is now being reduced to 65 per cent, 65 per cent, Mr. Speaker, connotes a simple thing, that the Government of this country has no faith in the Members of this National Assembly. I say it has, no faith, in as much as in one-party state even 100 per cent with very good principles we can have it. Of course, it is allowed but—

The Speaker (Mr. Slade): You must not take too long on this point, Mr. Gichoya, because it has been made by many hon. Members. You can merely mention it and then move on.

Mr. Gichoya: Mr. Speaker, my intention was merely to make this point very clear so that we do not have any ill feeling over the rulers of today of whom we are part and parcel of the rulership.

When you say 65 per cent it is not accepted in this House. So the Minister concerned with the Constitution should consider setting the machinery back in order to readjust this number and place it according to the general feeling of this House.

One thing I ought to make clear here. We are not in a state of emergency, we are not in a hurry as we were before to get our sovereignty established and thus sever our relationship with the British Government. Now we are a sovereign state and we ought to consider everything that comes before this House very quietly. It does not matter even if it takes a year or for that matter six months, so long as the amendment is meant to bring harmony and good fellowship in this country for ages to come. If we make a mistake today this may cost a lot of human lives and it

[Mr. Shikuku]

can rest assured that I, Shikuku, do not intend to oppose anything, to be an opposition leader or to organize any opposition, so there is no need to reduce the percentage.

When it comes to the question of land, Mr. Speaker, which I would like to touch on here, we were told no land was taken, but if you look at the first amendment Bill, Bill No. 138A, page 285, clause 21, subsection (1), it says, "Subject to the provisions of section 208 of the Constitution, all estates, interests and rights in or over land situated in a region that immediately before 22nd October 1964 were vested in the region shall be deemed to have vested on 22nd October 1964 in the Government of the Republic of Kenya." Mr. Speaker, if you refer to section 208, which also refers you to section 205, you will find that this affects the Trust Land. I can see the hon. Attorney-General shaking his head. If you look at these sections, you will find that they affect the Trust Land. This Trust Land meant forests in the regions, it meant settlement schemes in the regions, which are in special areas where people are now being settled, and so forth.

Mr. Speaker, if some of the hon. Members are not only trying to pull our legs here, because they think probably we do not read these Bills, how can one honestly tell the House that the land is not being acquired by the Government? The question of the land being under the county council is completely fictitious, because the county council is under the Central Government and, therefore, the Central Government controls the county council and controls the land. I hear one of the hon. Members saying, "So what?" May I tell him, Mr. Speaker, that the question of land is a very burning issue. Land in this country was not only acquired through paper but it was acquired through fighting. Those who fought hard had more and those who were poor at spear work had little, and you are not going to get away with it, Mr. Speaker, by just having something in the paper and you are going to get land from Butere. No, not from any part of Kenya will you get that. I objected to this amendment, Mr. Speaker, and I still register my objection to this amendment, twisting the public in a way through words here, telling them it is under the county council, which is under the Central Government and therefore it is controlled by the Central Government.

Mr. Speaker, may I point out at the same time that the land in, for example, the settlement scheme in Lugari was, of course, under the *Majimbo* Constitution, which is no more, almost exclusively for the people in the Western

Region. Now it is not because it is under Central Government and it could be utilized by any person from any corner of Kenya.

The Speaker (Mr. Slade): You are discussing the present amendment Bill and not other amendment Bills which have already become law, are you not?

Mr. Shikuku: I am discussing the amendment Bill, Sir, referring it to the question of land.

The Speaker (Mr. Slade): But I think you have been referring back to previous amendment which have already become law. That it is not relevant unless they are connected with some amendment in this Bill which you want to discuss.

Mr. Shikuku: They are connected in the sense that the hon. Member for Nairobi Central, the hon. Mr. Mboya, said yesterday that the question of the acquiring of land does not arise at all. I was only trying to point out that it does.

The Speaker (Mr. Slade): Well, if it does not arise under this amending Bill, I do not think it is relevant. You cannot go back on what we have already debated and made law.

Mr. Shikuku: Mr. Speaker, I think I had a point there, but if I am going too much backward, then I will stop there, but I thought the Member did raise that.

The other issue I want to mention is the question of emergency days being trebled to twenty-one days. This has already been touched on, but a reason has been given in this House to the effect that twenty-one days will enable the Government to assess the seriousness of a situation in a given part of Kenya where an emergency has been declared. Mr. Speaker, we are told an elephant is a very big animal—and, of course, it is—and has small eyes, but God was not all that stupid to give it small eyes and refuse to give it the power to scent or to smell its enemy. The eyes are small and it is huge, but it can smell its enemy. If our Government, which is huge and which I would rather call an elephant, cannot see this small country and trouble in any part of Kenya and has to take twenty-one days to assess that, it should at least have the sense of smell, and the sense of smelling trouble is to have the Parliament convened within seven days, because these are the people who can smell the trouble, but if the Government, being so huge with small eyes, has to wait for twenty-one days to know there is trouble, then it should be advised that seven days would be enough for it to smell when it calls us here, and we shall tell it when the trouble is, rather than wait for twenty-one days.

[Mr. Shikuku]

Mr. Speaker, I can hear the Minister for Information, Broadcasting and Tourism speaking a joke to the effect that what I am saying is a Buteo proverb, but this is Buteo logic, not a Buteo proverb, but this is Government cannot assess the seriousness of a situation within twenty-one days, then the only way to assess it is use us to tell what is cooking in Butere or in the Northern Frontier District. Therefore, I totally object to and very strongly reject the idea of twenty-one days and so the seven days period must remain. A lot of harm can be done within twenty-one days. I have been through state of emergency, Mr. Speaker, and I know what it means. I was in Nairobi during the Emergency in 1952 and I know what happened.

I feel we are not going to make the same mistake, and with a bad Government or a bad person it does not depend whether he is white, black, green or yellow. We may say that that was in the imperialist times, but are people not arrested today? But that is the Government, and the Government is the Government, be it black or white, so in twenty-one days a hell of a lot can happen. One of the Members said that Africans cannot go on murdering each other—that was said by the Member for Emuhaya—and that in twenty-one days the Africans would not go on butchering each other. The question of butchering one another does not arise. The Congo is a typical country with Africans blacker than some of our people. What is cooking there, Mr. Speaker? They are butchering each other from A to Z and beyond. Some of the people may feel that that is happening in the Congo and it cannot happen in Kenya, but you must be stupid if you think that way because anything that has happened elsewhere, history can repeat itself somewhere else too. I am of the opinion, Mr. Speaker, as far as the Abaluhya customs are concerned, when a leopard attacks your goats, your neighbours usually come to your aid, whether the leopard usually gets its goats or not, to help you. So what is happening is that the leopard is eating goats in the Congo, after which the leopard might come here. Therefore, we must be on our guard to go and help the Congo to solve its situation for our own salvation, and here, Mr. Speaker, having this in mind we must not allow the Government to go on for twenty-one days without convening Parliament, because Africans may butcher at any time within those twenty-one days.

With that, Mr. Speaker, may I come to the question of referendum.

The Speaker (Mr. Slade): I want hon. Members to be careful to avoid repetition, but they are entitled to say whether they agree with other Members on a particular point, and if they have a new argument on that same point, they are entitled to bring it forward. I do not think Mr. Shikuku has really been repeating very much of what was said by other Members on this point.

Mr. Shikuku: You are very right, Sir. I have not repeated anything. I have put it in a very practical way, Sir.

The other issue I want to mention, Sir, is the question of a referendum. I remember what happened when it came to the question of voting. There was a lot of scheming in this Parliament. We voted against the amendment of the Constitution that is amendment Bill 133 (a). When it was sent to the Senate, the Government understood very clearly, in no uncertain terms, that it was short of four men to be able to amend the Constitution Bill in the Upper House.

What happened, Mr. Speaker, was negotiations went on and on and on until such time when some of us—of course, we will have to pay for it some time in the future—started crossing the Floor without the mandate of their people and amended the Constitution.

The Speaker (Mr. Slade): Mr. Shikuku we are talking on the referendum.

Mr. Shikuku: I am coming to that, Mr. Speaker.

The Speaker (Mr. Slade): Well, come on to it as soon as you can then.

Mr. Shikuku: Yes, Sir.

They changed the Constitution in the Parliament whereas the feelings of the people in the country were otherwise. I am of the opinion, Sir, that in view of the fact that some of the Members here feel that the question of referendum must be retained—Having listened to the views of the Members here and of those of the Members of the other House, I feel that people are not going to accept this amendment as such, and if we do not agree here then I think it is the fairest way to give the man and woman in the street the opportunity to decide their fate. We are not going to call ourselves the only clever men. That is not a true fact. The fact that we are elected to this Parliament does not necessarily mean that we are the geniuses or we are the brightest of all species of humanity in Kenya.

As a matter of fact you will be surprised, Sir, to find that there are quite a number of people outside this Parliament who are very, very clever,

[Mr. Shikuku] Constitution is for the country, and it concerns all of us, but is it an immediate issue? Why, therefore, is there this hurry to amend the Constitution. In my opinion, Mr. Speaker, the people of Butere and indeed many people in Kenya are not interested in the Constitution, but they are definitely interested in what the Government is going to do to provide them with food, and not the Constitution. The Constitution, Mr. Speaker, is there to give power to some individuals in this country, and not food to the people, so what we should be concerned with, Mr. Speaker, in this House, as far as Butere people are concerned, and I am sure in other parts of Kenya, is to try and find ways and means to provide food, shelter, education, and medical facilities to our people. That should be our foremost duty, and not to talk of power.

Mr. Speaker—

The Speaker (Mr. Slade): We are dealing with the Constitution now, though.

Mr. Shikuku: Mr. Speaker, what I was trying to explain is that I do not see the reason why we should hurry up with this amendment, but nevertheless, I shall raise this question when the House discuss the reduction of salaries of Ministers, etc., in order to facilitate the *Uhuru na Tumbo* policy.

Mr. Speaker, Sir, as I have said, that some of the Members are now seeing a bit of light, you will find that they are just talking, and if we may refer to the *Harambee* during the debate when they are talking of the amendments to the Constitution, Amendment Bill, Bill 138 (a), you will find that what is being said is exactly what was said, and if not more than what was said by the Opposition during that time. But, does this help us.

I would like the Attorney-General to note it very seriously, that the representatives in this House are responsible to the people who elected them, and it would be completely unfair for him or his department to try and confuse us. It may not be intentional, but I am of the opinion that this amendment is definitely confusing the Members, and personally, I confess that I am not following up the amendments at all, because I have had the Amendment Bill, Bill 138 (a), and in addition to that I had Amendment Bill, Bill No. 2. Today, we have a 1955 Amendment Bill and this will go on confusing the Members of this Parliament, and naturally confuse the masses, because the Members will not be in a better position to clarify or to explain to the masses. If

the Member of Parliament can be confused, how about the ordinary man and woman in Butere?

Mr. Speaker, I am of the opinion that the amendment so tabled in this House is confusing us, and the Attorney-General should be kind enough to let us have all the amendments, and let them come in one lump so that we look at them as such.

Mr. Speaker, the other issue which has been referred to by some of the hon. speakers here is this question of *Majimbo*, of Regional Members' salaries and so forth. I think the time has come, Mr. Speaker, for the Members of this Parliament to stop playing about with words and fooling the public, because what I think is that the Members of this House have no principles at all, and I—

The Speaker (Mr. Slade): You must not say that.

Mr. Shikuku: Mr. Speaker, I am of the opinion that the Members of this Parliament are ungrateful and they have no definite policy to follow, or they are intentionally trying to fool the public.

The Speaker (Mr. Slade): You must not impute improper intentions, Mr. Shikuku.

Mr. Shikuku: I am sorry, Mr. Speaker.

They do not, as a matter of fact, really know what they are doing, because you find, as someone has said already, that it was and is in their own manifesto that *Majimbo* should be scrapped and done away with completely. Some of us resisted this, but now we are in a one-party state, and it is equally the same for one to say that they do not eat chicken, but they eat chicken, some. Here, when they talk of the salaries of Members of Regional Assemblies, and at the same time talk of scrapping *Majimbo*, then they are actually telling the House that they do not eat the chicken, but they are prepared to eat its soup. One thing I would like to tell the House, Mr. Speaker, is that we either go wholeheartedly, for body and soul, for *Umoja*, plus *Harambee*, or for *Majimbo*, but not two things at the same time. Mr. Speaker, I do not believe that it is physically possible for one to be tall and short at the same time, for if these Members are trying to think that they can be short and tall at the same time, then they are really fooling themselves. One thing we are agreeing to, and we have agreed to it, is that we are going to have unitary Government, which means doing away with the *Majimbo* Constitution, which has already been done away with somehow. Therefore we must agree in this House, and I refuse to give any support to those Members who talk in terms of salaries to the members of the

[Mr. Shikuku] Regional Assemblies, because I do not see any reason why they should be paid any salary when all the powers have been withdrawn from the Regional Assemblies. In addition to that, Mr. Speaker, we advocated unitary Government, *Majimbo* must go plus the members of the *Majimbo*. We cannot talk in terms of doing away with the Lower House and saying at the same time that the Members can meet in the Parliament Buildings. I am of the opinion, when we talk of the scrapping of *Majimbo*, that we must scrap *Majimbo* plus the members themselves. Mr. Speaker, for the hon. members in the Regional Assemblies, as I am told they are elected, and indeed they are. The Kari Regional Members were elected on the Kari ticket which meant scrapping the *Majimbo*. Hence, they supported the scrapping of *Majimbo* without knowing they were supporting the scrapping of themselves. So, the time has come when they must harvest the bitter fruits of their own folly. The only people I have any sympathy for, Mr. Speaker, are those regional members in the Coast, in the Rift Valley, and those members in the Western Region.

I say this because they stuck to their guns, but when the majority prevailed, the *Majimbo* was to be done away with, but if the majority votes are that the *Majimbo* should be scrapped, will any of our brothers in the Coast, Rift Valley, or Western Region have to suffer that, so that we have *Umoja*, and if possible we should try and approach one of the big factories who deal with bed making, to make a very big bed for all of us so as to ensure that we have *Umoja* by sleeping in one bed.

Mr. Speaker, I also feel that this question of provinces is, in itself, falling back to what the imperialists did. We who made this Constitution, originally deleted the word "Province" substituted it with the word "Region", and then to my surprise, the Government of *Harambee*, the Government of *Umoja*, the Nationalistic Government, falls back again to what the imperialists called our regions, and before we pass this Bill in this Parliament, they are already calling the regional or civil secretaries, as district commissioners or provincial commissioners which are not even approved by this House. I feel, Mr. Speaker, something is definitely wrong somewhere, and I hope the Attorney-General would pay attention to this. We would like the Parliament to be the supreme authority, and whatever the Parliament passes should become law with effect from the time it is passed and not before.

Today, Mr. Speaker, I read in the Press that the hon. Vice-President has asked Members to be present in this House so that they can vote and have the Bill passed. Outside this Parliament we have people who call themselves, or so called because we have not passed the Bill, district commissioners, provincial commissioners and all the rest of it. Are we going to be used as rubber stamps? As the Member for Butere I do not recognize them at all. I recognize them as regional government agents, civil secretaries and so forth, but not as district commissioners, provincial commissioners or district officers until the law is passed.

I think it should be the practice of this House, and if we allow these things to go on where people call themselves various names before they are passed in the House, then we will not be surprised, Mr. Speaker, to find later on that something has been passed by the Cabinet and continued in the country without our approval. That is why I feel, even on the clause we are coming to tonight—this question of twenty-one days—we might as well hear there is an emergency and it will continue even for twenty-eight days and nobody will ever refer to the elected representatives of this country. We must warn the Government that we are not going to have people calling themselves names before they are approved in this House.

Mr. Speaker, Sir, if I may come to one of the sections here where we have the question of percentage, from seventy-five to sixty per cent, we have talked a lot about it and the many people have talked a lot about it and the last speaker, the hon. Mr. Khasakhala, member for Emukhaya, talked in terms of two-thirds Nigerian, two-thirds America, and so forth. I understand, Mr. Speaker, he was a teacher before he came to this Parliament, but if you calculate two-thirds—that is, two over three—of 100, it is about sixty-seven and here he is talking in terms of two-thirds in other places; actually he implied that two-thirds was a smaller figure than sixty, but if you calculate two-thirds of 100, it is five, but if you calculate two-thirds of 100, it is definitely more than sixty-six. Sir, the hon. Member, unfortunately, is not here and I would have had the privilege to teach him a bit of mathematics to help him in future calculations!

I feel there is no point in trying to reduce the seventy-five per cent to sixty-five because we are one party, there is no question of opposition, we believe in *Harambee* now, we are all brothers. Why should we worry about reducing this, and if it is a question of reducing, then we should even reduce it to zero per cent. So we would like the percentage to stay as it is, because there is no opposition. Of course, they

[The Deputy Speaker] look out to see that there is no tedious repetition, and if there is any repetition, of course, the speaker will be drawn to order. But I would request hon. Members particularly to avoid repetition of what has already been said. Perhaps some of them are not fully aware of what has been said because many of them have not been here when other speakers have been speaking, but I would like hon. Members to be as brief as possible and not to repeat themselves, and if possible not to repeat what other speakers have said.

Mr. Warithi: On a point of order, Mr. Deputy Speaker, do we understand that it is only today that time is allotted for debating this Bill, and unless we can go through it today there will be no other time set aside for it?

The Deputy Speaker (Dr. De Souza): This Bill, like all other Bills, will be debated until it is in fact put to the vote. It was hoped by some hon. Members that this vote would take place earlier on today, but I have instructions from Mr. Speaker, to allow as many speakers as possible to speak on this Bill, considering that it is a very important Bill, a Bill which is going to amend the Constitution of our country, and that we should not allow a closure at an early stage. But, on the other hand, it is therefore equally vital to ensure that hon. Members do not keep on repeating what has been said. So I do ask the co-operation of the Members to make sure there is no repetition.

Mr. Khasakhal: Mr. Deputy Speaker, Sir, I do not feel that I have been repeating myself. I am correcting some of the allegations which Members had made, and if the hon. Member thinks that he has finished his time and he would like to go and rest, he should go and rest.

Mr. Deputy Speaker, Sir, I was dealing with emergency measures and the time since the Constitutional amendments. I think that it is quite opportune and the Government requires this time so that it can assess the situation before it can really start mishandling its own people. The fears which we had when the imperialists were here were that the imperialists did not know our people and they could go on killing people without any mercy, and that happened during the Mau Mau time when we had an emergency in Kenya. But this being our own Government, I do not think Africans would be interested in killing one another during the emergency situation.

Now, another question, Mr. Deputy Speaker, which has been dealt with by the hon. Members comes as the objection to the Provincial Councils.

I was in Kadu and I was a party to the *Majimbo* Constitution following a Kanu Election Manifesto. Now Members are wearing a different coat. They want to tell the world; they want to tell the people of Kenya they are fighting for *Majimbo* which they themselves opposed. Now, where are we? They are the same people, Mr. Deputy Speaker, who opposed *Majimbo* and I was for *Majimbo*, because I knew the goodness of *Majimbo*. These same people—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, is the Member in order blaming other Members for asking that *Majimbo* should be abolished whereas the Member himself also opposed Kanu and is now in Kanu? Is he in order?

The Deputy Speaker (Dr. De Souza): That is not a point of order. Under let me make this quite clear. We do not want frivolous points of order, and this is not a point of order. Please do not do it again. It is not fair. You are abusing the procedure of the House by trying to get a debating point to score a debating point on the other side in interrupting him on a point of order. This is not a point of order. Wait until your time comes and then make your speech. Let us not have any more frivolous points of order because this is very serious matter and should be treated with seriousness. You should not get an individual point in by interrupting a particular speaker.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, in view of your ruling and in view of the fact that the hon. Member in question has twice today been warned in this House by the Speaker for frivolous points of order, would it not be in order for you to send him out of this Chamber?

The Deputy Speaker (Dr. De Souza): It is not in order for an hon. Member to ask the Speaker to send anyone out of order out of the Chamber; it is for the Speaker to decide what punishment he should give. I would like to point out that if any hon. Member is asked to leave the precincts of this Chamber, usually he cannot come back even at the vote. This in fact happened last time when Mr. Ekiella, if you remember, was asked to leave the Chamber and he could not come back when it was a very vital vote. Therefore, obviously any Speaker would be reluctant to ask anybody to leave this Chamber during this vote. But I do not think hon. Members also therefore to co-operate and not to interrupt this debate, which is a very important debate, on a frivolous point of order.

Mr. Khasakhal: Mr. Deputy Speaker, I do not like so many interjections because I am speaking the truth.

It is most surprising, Sir, to hear a former member of Kanu now, when we have this amendment in the House, starting to tell the House why regionalism are abolished, and yet they themselves in their Manifesto stated very clearly that they should have no *Majimbo*. I even would appeal to the Government to remove Provincial Councils completely, because it is a complete duplication of work and there is no need to negotiate on salaries when we know that there is no work done by the Provincial Councils. I strongly feel that the Government should have abolished the creation of Provincial Councils and have county councils doing their work as they used to do previously, because we are now moving towards a unitary Government which a Kanu Manifesto won the election on. If they want the election on a unitary Government, this is the time we should have it and they should not oppose by wearing a different coat, fighting for people's salaries, whereas they are trying to create a political situation for their own positions.

The next thing, Mr. Deputy Speaker, are the legislative powers. Some Members raised an argument that legislative powers had been removed from the Parliament, which is not true. If you look at page 66 clause 1 of the Constitution you will see that all the deletions which have been included in the amendments on sections 67, 68, 69 and 70 are those referring to section 1 which appears on page 181 of this Constitution, the powers of the Regional Assemblies. Therefore, having a unitary Government, these powers do not exist and that is the reason why we are asking to delete them. If Members would like to know where these powers are found in their own Constitution, they are in this good document we have on page 181, and that is Schedule No. 1 of part 1, the powers of the Regional Assemblies. These were exclusive powers given to the Regional Assemblies. Now, because we have no Regional Assemblies having their own laws or making their own laws, having their own powers, there is no need to have sections 67, 68, 69 and 70 because these were exclusive powers given to the Regional Assemblies in this Constitution.

Now, the Member for Kandara dealt with a few things here he said that decreasing the majority vote in the declaration of emergency was an attempt to produce dictatorship.

I do not see where that comes in, Mr. Speaker, because it is the same Government which has to eliminate or declare the emergency, and as a

result, this House still has the powers, the administrative powers. I do not see where the Government can become dictatorial in its own country.

Now, the other one which was dealt with was concerning the emergency in the Western Region, whereby someone raised an argument on why the Government was not asking to vote again for the extension of the emergency in the Northern Region, dealing with the *Shifita*. Now, that is in the Constitution, section nineteen, whereby an Independent Order in Council was issued and that deals with this extension of the emergency in the Western Region, and as a result, this does not arise at all.

I, therefore, Mr. Deputy Speaker, feel very strongly that this amendment has a lot of meaning to this House, and it makes the Government work well. If we want to progress, we have to vote and pass this amendment forthwith.

With these few remarks, I support it.

Mr. Shikuku: Mr. Deputy Speaker, Sir, much has already been touched on by most of the hon. Members. One thing is certain, and that is that there is a definite confusion in this House, and this confusion is to continue indefinitely, in my opinion, in view of the fact that we have this amendment being brought in this Parliament, but the Members get themselves completely confused. The first major amendment, which was Amendment Bill, Bill 138 (a) was very drastic indeed, and I may recall, Sir, a lot of Members in this Parliament spoke in favour of this amendment, but then some of us were in the Opposition, and we tried our best to put light to the Members off this House, but unfortunately—and I say unfortunately, because none of them saw any light at that time—hon. Members were led by emotions but I am glad now that the dirt in their eyes is being cleared and some of them are now trying to talk clearly and some with authority on the subject, Mr. Speaker, in view of the fact that I foresaw this a long time ago, and I stuck to my guns right to the end. It is known, Mr. Speaker, that I was the last person to cross the Floor of this House, and I do not think I did practically.

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

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

I say practically, because I do not remember having actually physically crossed the Floor, but on the order of the *Butepe* people, I crossed over theoretically. But, one thing I would like to point out, is that I do not see yet, and I do not intend to see any reason why there is this hurry for the amendment of the Constitution. We all know the

[Mr. Khasakhala] adjournment and then you looked and said I had not spoken on this. I thank you for the correction and I would now like to speak on this Amendment Bill.

Mr. Speaker, Sir, when I spoke on the Motion for the adjournment I was very blunt and said that the Government should withdraw the Bill simply because I had not done enough homework. After doing some homework, Mr. Speaker, Sir, and going through the Amendment Bill I would now like to quote quite a number of things this afternoon to try and educate, or help some of my hon. Members who have perhaps not done enough homework on the Amendment Bill.

Mr. Speaker, Sir, most of the Members have complained about the powers given to the President. It is true that we may have a President who is not merciful or who has not any understanding about human beings, but I still feel that the President of an elected Government, like the one we have, who is popular with the people, should be given enough power to deal with the distant enemies who might one day try to mislead the Government. If, however, the President has no powers, Mr. Speaker, Sir, he then becomes a figure-head. We do not want in our Republic of Kenya to have a President who is just a mere figure-head who has no power to execute his fully entrenched powers in the Constitution. Referring back to one elderly African independent country, namely Ghana; the President of Ghana, if we look at him, is one good example of a National President, who even handles his own Ministers, who deals with his Government. I would like the President in Kenya who can also tell a Minister when he is going wrong and tell him that the Minister belongs to him and if he does not behave then he must get out. We have a President here so that he can deal with any other person who is trying to lead his Government, but if we have a President who is just a figure-head, who does not order, who does not execute power, then the President has no meaning in our own Government.

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

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

Ours is a popular elected Government then I do not see the reason why the hon. Members fear unless they suspect themselves of their own ulterior private movements. If they have ulterior movements then they should fear the powers given to the President. People who are innocent, people who are for the Government should not

fear the powers of the President at all, because they know that when they come to this House, as elected Members, they have their position to oppose whatever a person says and whatever a person says in this House will not be called to stand in a court of law. Therefore, we can challenge the President in the House: knowing very well that he cannot take us to court. But if you have your own private movements by encouraging crime, going to places to tell them that we want freedom which has never happened in our country at all, then such people should be dealt with by the powers given to the President. That is the reason why we should give our President this power to handle such people who are law breakers. With this, Mr. Speaker, Sir, I do not see any reason why people should have any fear of the power given to the President.

The other fear which occurred seemed to be on the Constitutional Amendment. The question was, "why sixty-five per cent?" Mr. Speaker, Sir, sixty-five per cent of the number of Members we have have in this House amounts to eighty-four people in order that the Constitution may be amended. Now eighty-four is not a small number, in fact, we are always ringing the bell, because there is no quorum. Now this is going to make people tired if they have to sit here all the time, so that they can do their duties as elected Members. For example, these benches are supposed to be full now and often we have Members sitting outside the House, instead of dealing with the matters which they are supposed to be dealing with, who then complain that they are sitting five per cent too small. Yes, if I look around five per cent they may have not this sixty-five per cent. If they are sincere in their criticism then they should be sitting here in full strength, and not just to criticize because a Bill has been brought by the Government, but when they look at the percentage they say that it is too small and yet we have not the right amount of Members—eighty-four Members—in this House at this minute who are supposed to pass this Constitutional change.

I therefore feel, Mr. Speaker, Sir, that the argument provided by the Members in this debate is not valid, it is completely invalid. Let us look at the democratic countries we have in the world. What percentages are provided for in a place like Nigeria, for example for a Constitutional change? It is still very high. In Nigeria they only need two-thirds majority, then they amend their Constitution. Let us now look at America, which is a vast country which has millions of people, they only need two-thirds majority. Now looking at Great Britain and they only need a simple majority to amend their Constitution and yet we

[Mr. Khasakhala] need this enormous majority before we are able to amend our Constitution. Our Constitution should not be a stumbling block to make some elements to use the Constitution to do wrong to the Government. It should be a Constitution which is amendable so that whenever we feel that we should amend it, and it should be amended without any difficulties. Last time, Mr. Speaker, Sir, if I may be allowed to quote; I had gone to Kampala to attend a very important board, and before I had started, and after having wasted my petrol in getting to Kampala to attend the Railway Advisory Board, there was a telephone call from Nairobi which was telling me to come home. There was a crisis and we cannot amend the Constitution. I drove like a madman from Kampala.

Supposing I died on the road? My vote would have been lost, which would have been very important for the Government. Therefore, in order to avoid such circumstances, Mr. Deputy Speaker, I strongly support the percentage provided for here by the Government.

Now, looking at section 29—I am going on for one hour—which appears on page forty-seven of our Constitution it mentions emergency powers. The number of days provided for calling the Parliament to give powers to the Government to execute the emergency are quite enough. In the previous Constitution on page forty-seven, which is an imperialist constitution and we do not want it—we are making our own Constitution and this was an imperialist constitution—

Mr. Sikukuu: Mr. Deputy Speaker, Sir, on a point of order, is it in order for an hon. Member who knows only too well that the Constitution—the one we are talking about—was actually arrived at by two parties of which he was a Member, to call it imperialistic?

The Deputy Speaker (Dr. De Souza): Yes, I think the hon. Member was out of order. It is now the Kenya Constitution. It was accepted.

Mr. Khasakhala: I withdraw that.

Mr. Deputy Speaker, emergency powers are referred to in section twenty-nine. Most Members have raised the objection to the word "majority", but is one point. It does not mean the majority of those Members in the House at that time at all. If you read in the Constitution itself where sixty-five per cent appears, it states clearly "of all the Members of that House". Now that House means this House of Representatives and the Senate. That is the majority, the majority of all the Members of those Houses; a majority of 130

Members in this House and forty-one Members in the Senate. Majority means the total number divided by two plus one; that is a majority. I do not see the reason why Members should argue on that, Mr. Deputy Speaker.

Now, if we look at the situation that makes an emergency to be declared, it is not a happy situation. Who would like to have an emergency in his area? Why should it be there? The emergency is created by certain elements who only want to break the law and if these elements in their own area want to break their own Government, want to break the law, the President and the Government should have the power to declare a state of emergency in that particular area so that the Government can assess the situation accordingly. You can never assess the situation of an emergency within seven days, never. By the time you come to the end of seven days you may not know exactly what has happened to declare an emergency in that particular area. That is the reason why the Government would like to have more time to assess the situation and by assessing the situation it can either correct its own position and call the Parliament to pass that or allow it to continue with that state of emergency. I therefore, Mr. Deputy Speaker, do not see the reasons why Members are panicking on this particular point. It is a very clear point on when a state of emergency arises. If it has arisen, it must be met, and if it has to be met, the Government must have the power to meet it. Therefore, if we want to tie the Government's hands in declaring—

The Assistant Minister for Finance (Mr. Okello- Odongo): On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that it is a very important Bill and it has been indicated that it should be completed today and many other Members might like to express themselves on it before the debate is closed, I wonder whether there is any way in which we could limit the time to be taken by a Member especially when Members are repeating more or less what has been said here so many times?

The Deputy Speaker (Dr. De Souza): This is no way of limiting a debate unless this House passes a resolution to that effect, in which case the Sessional Committee should be approached and the Government would then promote the resolution, limiting the time allotted to the speaker to speak on the subject of debate. I am afraid it is a bit too late to do it just now, but it can still be done by having a resolution to that effect moved tomorrow.

As far as repetition is concerned, obviously I am, and Mr. Speaker would be, very much on the

POINT OF ORDER

FOLLOW UP TO WRITTEN REPLIES

The Speaker (Mr. Slade): Again I must answer one of them as a point of order, because it is a question as to what an hon. Member can do to follow up a written reply. There cannot be any supplementary questions on a written reply, but there can be a further set of questions on further matter raised by the reply; which is really in effect the same thing; but it is a fresh question with a fresh number, picking out something in the written reply for further questioning. That could be put in as a question for oral reply if it is a short point or a question for written reply if it is long.

(Resumption of debate)

Mr. Khasakhala: Mr. Speaker, Sir, I feel that we have exhausted these Motions, could we ask the Mover to be called upon to reply?

(Question proposed and agreed to)

The Assistant Minister, Vice-President of Office (Dr. Waiyaki): Mr. Speaker, as the Members have consented on Standing Order No. 26 (5) because they fear that possibly we are trying to limit their energies in putting nasty questions across to the Ministers, because they feel that maybe the Government is trying to shield itself from what we regard as the nastier movements in this House when a Minister is bombarded from the Back-benchers in an attempt to bring him down to his knees. As a matter of fact, Mr. Speaker, I think most of the Ministers and Assistant Ministers in this House enjoy, as much as the members of the Back-bench the to and fro of the questions in this House. I, for one, do not mind for a moment if members stand twenty at a time to bombard me with questions they believe will bring me down, because as a politician I rather enjoy hitting back and I am sure that that is the case of many Ministers here, so there is no question of fear.

The other point that was raised, one Member thought that this is a way of providing a comfortable exit for Ministers, because those of them who have been known, I have not known them myself, but some Members feel that there have been Ministers who have absented themselves when there were questions that they were afraid to answer or circumstances which were very involved. As a matter of fact, Mr. Speaker, I have not heard, as I have said, of any Ministers absenting themselves specifically because they were afraid to face this House. I think the Government must resist that kind of insinuation. The facts of the case are, that we have found there

was a tendency to hold questions for a long time and that these questions were coming much later than the event to which they refer and we are of the opinion that we are making it easier for business in this House to proceed more smoothly and for questions to refer to events of the day.

The other point that I think I must make is that the Speaker has in fact the right to decide, he has the right to use his own discretion and that is an important point which I would like to emphasize because it does not lay down here in the amendment in these Standing Orders especially to Standing Order 26 (5) that the Speaker must, it is his own discretion that must rule the day.

Today, we had twelve questions on the Order Paper, we only dealt with eleven here and every Member saw how long that took. I think that Members must agree with us that the more time you can spend on a question the better. Those questions that are not of national importance, the Speaker must use his own discretion and he will I am sure refer them to the Ministry so that they might answer them individually through the Member concerned in writing but we would like very much, as a Government to discuss here matters which are of national importance and I can assure the Members that the Government has taken great notice of what they have said. I am glad the Speaker, himself, has answered those questions levelled at me which referred specifically to his own position as the person who decides "what and what shall not" come before this House. The assurance that the hon. Member Khalif or any other Member can bring to the House on a Motion for the adjournment, matters which were the result of unsatisfactory written replies to an hon. Member from a Minister is an assurance that I am sure hon. Members welcome. In any case we all knew that you did in fact bring a matter forward on a Motion for adjournment that was not the subject of a question which the Speaker deems fit to allow to be brought because it was a matter of national importance. We have had such cases since we started sitting in this House. Of course, the Speaker has the final say as to what questions will come on the Order Paper and what questions will go for written reply. With those few remarks to the few questions put forward I beg to reply.

(Question put and agreed to)

CONSIDERED RULING

NUMBER AND PRIORITY OF QUESTIONS ON ORDER PAPER

The Speaker (Mr. Slade): For the information of hon. Members, I would like to make two

(The Speaker)
comments on this question, and the effect of these amendments to Standing Orders. One is that this particular proviso, concerning questions on the Order Paper, will only arise if the flow of questions exceeds the rate of twelve for every normal day. Actually, the present rate of flow of questions taken over the number of days we expect sit in the course of the year is thirteen a day; so, unless the flow of questions increases, this proviso may not have to be used very often.

The other point is that it is my intention, now that this amendment has been tabled, to advise hon. Members, when putting in their questions, to mark those which they regard as most important, so that, if it comes to a point where we have to exclude any Member's question—which will only be because he has more than one question—we will know which one he prefers to have kept on the Order Paper.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(Attorney-General on 24th March 1965)

(Resumption of debate interrupted on 20th April 1965)

Mr. Makokha: Mr. Speaker, Sir, on the interruption of business yesterday I was talking about the Provincial Councils and I think that I have exhausted my argument with regard to this subject.

Another point which has been troubling me about the Constitution is the position of the President. Our Constitution provides that the President is the Leader of Government Business. Now in his capacity as Leader of Government Business we Members are free to attack him in any way. At the same time he is the Head of State and he requires that honour and respect which is befitting to that office. Mr. Speaker, Sir, it makes extremely difficult for us, because even when the President is here, as Leader of Government Business, it is extremely embarrassing, not only to ourselves but also to the President, because it is not easy to draw the line. Mr. Speaker, Sir, I would like the Attorney-General to think again and probably provide in the Constitution, or draw a line in the Constitution so that we have a different person as Leader of Government Business whom we can attack and blast in the House without any embarrassment to either party.

Now, Mr. Speaker, Sir, another point which I would like to ask the Attorney-General to think about is the fact that it would be better for all concerned to think about the Constitution as one

document. Since last year we have had a series of Bills, and it has become extremely difficult for Members to think clearly about the Constitution as a whole. I would like to venture to suggest that the Attorney-General think about a parliamentary committee so that we can go into the question of the whole document as one, because at the moment some of us are thinking of this Bill and it is difficult to think of the very first Bill that we had last year.

Next Mr. Speaker, Sir, in introducing this Bill the Attorney-General here, and also outside, and also the Minister for Economic Planning and Development, referred to the constitutions of other countries. Mr. Speaker, Sir, I personally feel that we should not compare Kenya with any other country. It was unfortunate to have compared Kenya with Nigeria for example, because there they have a federal constitution. America has the same. Somebody outside this House compared us with Britain, but in Britain of course, they do not have a written constitution as we understand it here. There the constitution was made as problems were encountered.

So, Mr. Speaker, Sir, in finishing, I urge the Attorney-General again, and I believe that most of the Members who have spoken have not opposed the Bill, but they have merely asked the Attorney-General that we should think again, and if possible, take into consideration the points raised by the hon. Members, particularly section 29, which refers to the declaration of a state of emergency, and section 71 which provides machinery for the changing of the Constitution.

With these few words, Mr. Speaker, Sir, I sit down believing that the Attorney-General will consider withdrawing this Bill and set up a parliamentary committee to go into the whole thing or to consider all the Bills as one document. Thank you, Mr. Speaker.

Mr. Khasakhala: Mr. Speaker, Sir,—

QUORUM

Mr. Gichoya: Mr. Speaker, Sir, is it in order for us to continue to debate an important point like this when we have no quorum?

The Speaker (Mr. Slade): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now, Mr. Khasakhala.

Mr. Khasakhala: Mr. Speaker, Sir, yesterday when you took the names of the people who had spoken, I had spoken on a Motion for the

[Mr. Khalif] very recently which should warrant or make this additional proviso necessary.

It should be appreciated that according to the present Standing Orders a Member, after submitting a question and, for that matter perhaps being given unsatisfactory replies, has the right to raise the matter on adjournment. There is no indication here to suggest that if a Member is given a written reply which he considers to be unsatisfactory, he can then raise the matter on an adjournment.

The Speaker (Mr. Slade): You mean that he should be able to raise the matter on an adjournment?

Mr. Khalif: Yes, Sir.

The Speaker (Mr. Slade): I would like to say here, Mr. Khalif, that hon. Members can raise any matter on adjournment by notice to the Speaker provided it is suitable matter. Even if there is no answer to a question at all, but certainly on account of an unsatisfactory written reply.

Mr. Khalif: Do you mean, Mr. Speaker, that if a written reply is submitted to a question one can raise the matter on adjournment if he is not satisfied?

The Speaker (Mr. Slade): Yes. Even if there has been no question or reply at all.

Mr. Khalif: Thank you very much, Mr. Speaker.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): That covers your problem.

Mr. Khalif: It does.

Mr. Speaker, Sir, although the position has been clear on this, I feel that it is quite unnecessary to allow written replies to questions, because although we appreciate the difficulties involved at present in dealing with questions, I think this would be denying Members the privilege to raise supplementary questions.

I do not want to repeat myself, Mr. Speaker, and I would like to support.

Mr. Warhithi: Mr. Speaker, I have one or two points to comment on Standing Order 26 (5). It is quite true, Mr. Speaker, that question time is the most interesting part of our proceedings in this House, apart from Private Members' Day. I also feel that the life of the House becomes more interesting when Members ask supplementary questions.

I can see that the purpose of this amendment to the Standing Orders is to allow more questions to go through at one sitting and it provides that we have more than two questions. The Members who have other questions receive written replies.

My only comment on this, Mr. Speaker, is that I would request whoever is in charge of putting questions on the Order Paper should, as far as possible, see that we do not have questions with written replies. The reason I say this is because some questions are of a general nature and they cover problems not particularly of a certain constituency but of the whole country, and it is of interest to other Members to hear what is said. Some Members may say that this will appear in HANSARD but then HANSARD may come a few days later.

So, what I am asking here is for an assurance that all effort should be made to see that we do not have more than the number required, that is, twelve questions a day, and if at all we do, every effort should be made to eliminate written replies, as much as possible, which deny Members chance of participating in supplementary questions.

With these few words I beg to support this together with the other Standing Orders 111 and 145.

Mr. Ochwada: Mr. Speaker, I rise to endorse the views expressed by my two colleagues who have spoken on Standing Order No. 26 (5). I wish to give two examples regarding written replies to questions. I submitted a few questions a little while ago to the Ministry of Works, Communications and Power which I thought were of national importance, and I was surprised to receive written replies when, in fact the next day I saw about eight questions by one hon. Member on the Order Paper. Now, I do not know whether I should blame the Clerk, the Council or the Ministry concerned, but I thought it was very unfair that this was done the way it was done because this question actually concerned the railways as opposed to the roads where we are having bitter competition between transportation by railways and transportation by roads. Probably had that question been brought to the House I am sure that most Members would have been very interested and would have had something on record in the House concerning such competition.

I only hope that the issue of giving written replies will be considered carefully and also what sort of questions can be replied to in writing and what should be brought to the House. I wish also that someone could make it quite clear as to

[Mr. Ochwada] has had the final decision on whether a question should be replied to in writing or brought to the House for reply.

The other point is regarding Standing Order No. 145. I have no quarrel with Standing Order 111 at all. However, with regard to Standing Order No. 145, this Standing Order was, I think, made a long time ago when this House consisted only of fifty-six Members. Now, Mr. Speaker, Sir, we have more than double the figure and the limitation on debates on Committee of Supply has denied quite a number of hon. Members the opportunity to voice their views. In fact, last year, Sir, I found great difficulty to try and express my views within twenty minutes. Not only that, Sir, but it was rather disappointing that in the end we were told that on a certain day the guideline would be applied and, therefore, there would be no further discussion on the Estimates, whereas most Members had a few points to raise on certain Ministries with regard to the policies of those Ministries. I only hope that this also will be taken into account in the Vice-President's Office and that in future perhaps we might have an extension of more than fifteen days to discuss matters in the Committee of Supply.

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

POINT OF ORDER

WRITTEN REPLIES TO QUESTIONS

The Speaker (Mr. Slade): I think I might answer Mr. Ochwada's question about the procedure with regard to written replies as a point of order. It is really a matter of order, since it is in the hands of the Speaker and the Clerks. The rule and practice with regard to written replies is first of all that if any hon. Member asks for a written reply rather than an oral reply he will get a written reply. But, further than that, if the question involves a long or detailed reply and it is thought that it will not be easy for hon. Members hearing it orally in this House to assimilate it, then Mr. Speaker or the Clerk directs that it shall be put in as a written reply.

Even if a question goes forward to a Ministry as a question for oral reply and the Ministry decides that it is unsuitable for oral reply because the reply will be so long or so detailed, that they think it will be better for the hon. Member to have the answer in writing, then the Ministry have the right to say that they will give a written reply. Those are the circumstances in which written replies come forward even though an hon. Member may have been looking for an oral reply.

This is quite separate from the proposal now made, which is that questions which are normally questions for oral reply will get written replies because they have been excluded from the Order Paper.

(Resumption of debate)

Mr. Loreman: Mr. Speaker, Sir, I have also only one point on which I would like to comment on this Standing Order No. 26 (5). This is with regard to questions. Now, an hon. Member has just commented on an hon. Member asking so many questions from various Ministries and I also would like to raise an explanation so that when these questions are set out there will be no questions put to one Ministry, for example, the Ministry of Commerce and Industry and on the other hand we get some Members asking another Ministry so many questions. Sometimes you find that there are questions which involve a great deal of work and so you find that the Ministers absent themselves simply because they do not want to answer those questions or they find the questions tricky. They may not want to answer the questions promptly. So I would like to state that the questions should be set out to the various Ministries, because I am sure the hon. Members do address their questions to the various Ministries. Also, regarding written and oral replies, I do not know whether an ordinary Member has the right to ask a supplementary question in writing and sent it to the correct Ministry for a reply. This might be taken for example that just because a Ministry has felt that this question is very involved and has got so many details and at one point the whole question touches one's constituency, an hon. Member's constituency so I do not know whether an hon. Member is entitled to write a supplementary question and send that supplementary question to the Ministry through the approval of the Speaker.

Thirdly, Mr. Speaker, about the numbering of these questions, as it has been stated here, it appears that twelve questions will have to be answered on a different day. Now, these questions might have been numbered but it depends when the questions have been given notice of and we might find that there is a question which is of national importance and incidentally, it is bound to be number thirteen or fourteen for example, which is more than the top priority of twelve and you find that this question which should have been answered orally, for the interest of the country, has just to have a written reply handed in which cannot be heard by anybody. So, Mr. Speaker, to those three points I would like to get a reply when the Minister replies to this Motion. Thank you Mr. Speaker.

[The Assistant Minister, Vice-President's Office] Time, then any Member may move, either forthwith or with notice upon a subsequent day, that with or without notice to a joint committee of both Houses, and a question upon such Motion shall be put forthwith without amendment or debate."

The third amendment that we propose to make is to Standing Order 145, which refers to procedure on Supplementary Estimates. Mr. Speaker, we wish to delete the following words from subparagraph (3) of Standing Order 145: "On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Order, the Chairman shall, one hour before the time for interruption of business . . .". We will insert in place thereof the following words: "On any day on which an Order of the Day for Committee of Supply has been put down under this Standing Order, the business of such Order shall commence not later than three hours before the time for interruption of business and unless the House otherwise orders that such business shall continue for more than one day, the Chairman shall, half an hour before the time of interruption of business, move the closure of such business."

Mr. Speaker, the proposed amendment there is designed to ensure that sufficient time—three hours or, if the House agrees, a full day—is set aside specifically for consideration to be given to Motions in respect of the business of Supply. It is most essential that ample time should be made available so that Members may fully ventilate their views on this very important matter. I would imagine that, since there have been on many occasions misgivings that time had run out before Members had enough time to consider business before them, the Members in this House would welcome such a change.

Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): Dr. Waiyaki, with reference to paragraph (2) of this Sessional Paper, I think there is some mistake which has been made concerning amendments to Standing Order 27. Quite clearly this proviso with regard to questions should come at the end of Standing Order 26 (5) and not 27 (4). Could we take it that you are moving the approval of the Sessional Paper with that amendment? The context is quite clear, I think.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Yes, thank you, Mr. Speaker.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki) seconded.

(Question proposed)

Mr. Mbogoh: Mr. Speaker, I am not trying to oppose this Motion, but I am trying to express my dissatisfaction to the Assistant Minister for trying, first of all, on Standing Order 26 (5), to deprive Members of their right to criticize the Ministers in this House. Some of my questions have been replied to in writing without coming to this House and I find myself most dissatisfied with the way they are answered in writing before they are brought to this House. So this amendment will not limit the questions which will come to the House and allow the Ministers to reply in writing, and thus at least deprive the House of some very nice times when Members ask questions at Ministers and know exactly what that will be.

When a Minister is asked a question and the reply is given in writing, that is usually another way of sheltering behind the written reply, so that the motive behind asking the question will not be understood in the House. Therefore, I am quite dissatisfied with that one and I hope if this one goes through the Ministers will not adopt the policy of putting everything in writing instead of bringing them to be discussed in the House.

The other Standing Order, 111, Mr. Speaker, is quite in order because I think if this House passes something and then it is dissatisfied with the Senate's amendment, even in the Constitution we are always allowed to do that, except if it is referred to a joint committee, the Minister in replying will tell this House how many members of the joint committee will be required—that is, from the Senate and from the House of Representatives—who will be the chairman of the joint committee, how the business will be conducted and how the vote will be taken when it comes to voting in that case.

The Speaker (Mr. Slade): I do not think that really arises on this Motion, Mr. Mbogoh, because this is a proposal for some alternative procedure to the joint committee. The procedure for joint committee is not touched by this amendment at all.

Mr. Mbogoh: Well, Mr. Speaker, I do not have very much to criticize there, but I cannot support.

So, Mr. Speaker, this addition of sufficient time for us to discuss things—that is, from one hour to three hours—is fully supported because for most of the time we find that somebody wants to speak and he has very little time and in that case he will not find sufficient time to speak his mind. Therefore, that one is fully supported and also therefore, that one is supported if enough explanation is given.

Mr. Githony: Mr. Speaker, Sir, I rise to support the Assistant Minister for presenting to the House what is more of the manufacture of the House; in other words, something made by the House.

It is the first time, Mr. Speaker, Sir, through the inconvenience we have suffered in the past that the Ministry responsible for this House has come forward with something concrete to help the smooth running of this House.

An hon. Member: Question.

Mr. Githony: I think it is the first time because the Standing Orders we adopted when we never knew what a Standing Order was, what the procedure was, we simply adopted for the sake of putting ourselves in a position of being able to say that we have our own Standing Orders, but today we are improving the old Standing Orders to suit the changed conditions.

More than once people have tried to find out whether some questions could be limited and whether questions coming from a particular hon. Member of this House could be removed in order to give space to other people's questions, but quite often the blame has been put on the administrative office of this Parliament. Mr. Speaker, I say this because I was one of those people who questioned as to why we should have Mbogoh, Mbogoh, Mbogoh, three questions consecutively on one day, when other people's questions were just lying idle and they could not be allowed time. Consequently, the Sessional Committee has now tried to give a chance to everybody, in a way of spreading the democratic right of every Member to be listened to in this House and his people to know that he is doing something for them. Under Standing Order 27, the proviso which has already been provided for gives every Member an opportunity to air his questions at least once; if he has put more than one question, at least he hears an answer to one before the Parliament is closed.

Consequently, Mr. Speaker, I say the outcome of our complaints in this House is that there were no Standing Orders giving us a specific limitation that only so many questions could be answered in a day and over and above that, that one person should not be allowed more questions while there are other questions pending. This gives us the impression that Ministers who were accustomed to sitting on the questions of other Members will have now to work day and night and give us the answers to the questions. They will realize that twelve questions are needed per day when we come to this House and each Minister must prove that the ten days' limit for each question to be

answered must be adhered to and they must be presented to the House, either in writing or orally. I do not mind if I receive a written answer to any of my questions so long as the answer is given to the question. That is the only thing a questioner expects.

If this is done I am in a position to tell my people that this is the problem and the Government is doing this and that. If the Minister keeps quiet, Mr. Speaker, Sir, I will say that the Government is not doing anything for my people. However, when the question has been answered, whether orally or in writing I am satisfied that my Government has given me the answer. This is where I say the amendments which have been brought here now are very welcome. In other words, Sir, they are very wholesome and we are happy about them.

The other thing I would like to say, Sir, is this. The time that we used to have before the interruption of business or the Supply days were so limited that now we have more time for more Members to express their views. It was complaining a few days ago, Mr. Speaker, that I was shocked to hear that the guillotine was to be used in connexion with the Supply days. We are told that today we vote for the Constitution of this country. Why should we vote for it before we express our views over it?

So, in the same way as we are allowing more time in regard to the Supply days I beg also that the amendment of the Constitution should be given more time.

With these few words I support the Motion.

Mr. Khalif: Mr. Speaker, Sir, I have only one thing to say on this amendment in respect of the additional proviso. I am in disagreement with regard to the question of Members receiving written replies to their questions. Although I appreciate that sometimes the questions submitted by Members are too many, I feel that if we allow written replies to be submitted then it would, in fact, be denying Members the opportunity to raise supplementaries. As a matter of fact it happens that when one is given a written reply he will be denied, naturally, the privilege of raising supplementaries which sometimes are very important.

I do not want to say anything in respect of Standing Orders Nos. 111 and 145. This House has been going on very smoothly in respect of questions being submitted by hon. Members. I questions being submitted by hon. Members, I do not think that, if in the past we could stick to the Standing Orders without allowing written replies to be submitted to questions by hon. Members, there is anything which has developed

[Mr. Achleng-Oaeke] Turkana who knows Swahili and can speak other languages, he can apply in the normal way. The question is, however, whether a programme can be provided for them, and since this question has arisen, we have been trying to find out how many radios sets there are in this district. For the information of the hon. Members, there are only a very few sets which are possessed by the policemen in the Police Force and a few Turkana.

Mr. Lorema; Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House how many radios are required in a place in order to warrant a person from each tribe being employed by the Voice of Kenya as an announcer?

Mr. Achleng-Oaeke: Mr. Speaker, Sir, the question of how many radios does not arise.

Question No. 1095

CLOSURE OF AFRICAN COURTS AT THE COAST

Mr. Omar asked the Attorney-General if he would state the reasons why some of the African Courts were closed in the Coast Province.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. It was found that some African Courts in the Coast Province were under-employed, in other words there was not enough court work for them, and certain courts were therefore amalgamated in order to provide a full day's work for each court. This has enabled the courts to be staffed by better trained and more experienced members.

Mr. Omar: Mr. Speaker, Sir, is the Attorney-General aware that, since some of the African Courts have closed down in the Coast Province, it has caused inconvenience to some people who have to walk over sixty miles to go to another African Court?

Mr. Njonjo: Mr. Speaker, Sir, as I have already indicated, it is quite possible that some litigants have now to walk longer distances, but against that we also have to see whether the courts which are situated in different parts of the country are fully occupied during the day. That is why these courts were amalgamated.

Mr. Ngala: Mr. Speaker, Sir, will the Attorney-General explain to us why the policy of the courts following the people was not adopted when this adjustment was made for Malindi Sub-district, where the Minister determined Malindi—which has less cases of this type—and left out Marafa which is thickly populated with people concerned

with the cases? Why was it not situated in the places where people are concerned with the majority of the primary cases?

Mr. Njonjo: Mr. Speaker, Sir, as the hon. Member knows, the African Courts deal primarily with African cases, cases affecting the local customs, and that is why the assize assisted that is the court moving from one district to another as we have in our Supreme Court and Magistrate's Court. This has not been introduced in the case of African Courts, because if you take an African Court from Nairobi to a district, those Africans will not be familiar with the African customs in that area.

Mr. Ngala: Mr. Speaker, Sir, the Attorney-General, with due respect, has not replied to my question: I am not asking for people to be transferred from other places to go to Malindi; I am asking why, in the adjustment, in the determination of where the courts would exist, in the case of Malindi Sub-district, the Minister chose Malindi which is not mainly populated with Africans, and created unnecessary hardship by causing the people from Marafa and Kakomzi to walk sixty miles to go to Malindi to hear cases, instead of the court following them to the places of residence?

Mr. Njonjo: Mr. Speaker, I do not have my map here, and of course I cannot question the hon. Member's geography of these places, but the explanation of this is that we were advised that the way the courts were amalgamated, as I have indicated, was going to suit the local conditions. If, of course, we are now told that this system is not working and people have to walk longer distances, we can change the location of these courts to another place.

Mr. Ngala: Mr. Speaker, Sir, can the Attorney-General not remember my advising him outside this House on this question, and why has he not taken action since I gave him the advice, or investigated the geography of the place?

Mr. Njonjo: Mr. Speaker, I am not denying that the hon. Member did speak to me about this matter, but another hon. Member also discussed this matter with me and I was given a different distance, but I would like to say this, and this is quite serious and I recognize that if these people have to walk long distances—sixty miles as the hon. Mr. Ngala says—I am prepared to change the place.

Mr. Mwananzindi: Mr. Speaker, Sir, is the Attorney-General aware that mobile courts might

[Mr. Mwananzindi] help the local people in the Coast instead of walking so many miles down to an African Court?

Mr. Njonjo: Mr. Speaker, Sir, we have no mobile courts.

Question No. 1012

"KENYA WORKERS" TO REPLACE "CIVIL SERVANTS"

Mr. Godia asked the Attorney-General if he would consider amendment of the Republic Constitution so that the words "Kenya workers" replaced "civil servants", since the words "civil servants" referred to the local servants of Her Majesty's British Government, who were appointed in the name of Her Majesty's Government in Britain to work in her territories.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. The words "civil servants" do not appear in the Constitution so an amendment is necessary. People in the public service of the Government are referred to in the Constitution as "public officers".

The Speaker (Mr. Slade): I have to remind hon. Members that at the interruption of business today, Mr. Ekheila is to raise the matter noted on the Order Paper.

MOTION

SESSIONAL PAPER NO. 12: AMENDMENTS TO STANDING ORDERS

The Assistant Minister, Vice-President's Office (Dr. Wajakij): Mr. Speaker, Sir, I beg to move:—

THAT this House makes the amendments to the Standing Orders of the House of Representatives set out in Sessional Paper No. 12 of 1963/65.

The amendments to the Standing Order set out in Sessional Paper No. 12 of 1963/65, Mr. Speaker, are in general trying to ensure that business of the House is conducted efficiently, and is despatched. The House has, in the past, frequently got bogged down, and this has increased the time which could be devoted to items which needed to be dealt with first. Individually, the objectives of the proposed amendments are as follows:—

First there is a general amendment, Mr. Speaker, in the Standing Orders; for example in Standing Order 27 (13), it refers to a Parliamentary Secretary, that by virtue of the changes

in our Constitution, whereby a Parliamentary Secretary has been redesignated an Assistant Minister, we have to make an amendment so that wherever we find the words "Parliamentary Secretary" we read "Assistant Minister". Now, we also intend to amend Standing Order No. 27 which refers to contents of the questions asked in this House, so that at the end of Standing Order 27 (4), we will provide the following proviso:—

"Provided that on any day more than twelve questions are due to be placed on the Order Paper, and if Mr. Speaker, is of the opinion that the number of that question succeeding twelve cannot be spread over the next three sitting days without the questions on one of these days exceeding twelve, each Member shall be limited equally to such number of questions on the Order Paper as will reduce the total number of questions to twelve and shall receive forthwith a written reply to all other questions which are thus excluded from the Order Paper."

The purpose of that amendment, Mr. Speaker, Sir, is to speed up the business of the House by enabling the Speaker to limit, at his discretion the number of questions to twelve per day, and to direct the questions beyond that number to be replied to in writing rather than orally.

Then, we propose to amend Standing Order No. 111, which refers to commitment of Bills to a joint committee of both Houses. So, we will add to Standing Order No. 111 the following subparagraph:—

"If, at any time, before any such Motion has been agreed to a message is received from the Senate communicating a resolution that the Senate shall give further consideration to such amendments, that message shall be notified to the House by the Speaker at the earliest opportunity, and the Bills shall be returned to the Senate accordingly, whereafter procedure shall be as described by Standing Orders No. 110-117 inclusive."

Then, Mr. Speaker, adding the amendment to Standing Order No. 111 to the previous amendments to the Standing Orders so that the Members will know what I was referring to, I quote again:—

"If the House has agreed to all or any of the amendments made by the Senate to a Bill which originated in the House when the Senate has insisted on such amendments, or postponed for six months the consideration of amendments upon which the Senate has still insisted (Inaudible) to agree to a Motion that a Bill that originated in the Senate be read a Second Time or Third

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 1055: IMPORT OF SOUTH AFRICAN GOODS

Mr. Khalif: On a point of order, Mr. Speaker, Sir, in view of the fact that I have some concrete proof in respect of this question, and in view of the fact that I consider the answers to be unsatisfactory, I would like to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 1071

LOANS TO TRADERS BY KAKAMEGA COUNTY COUNCIL

Mr. Godia asked the Minister for Commerce and Industry if he would ask the Kakamega County Council to begin giving loans to traders while bringing the defaulters to justice.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. I am afraid that the hon. Member has been misinformed about his district. The embargo on traders' loans which was imposed because of the large number of defaulters was lifted as early as 1963, and there is nothing at present to stop the Kakamega Joint Loans Board (now known as the Kakamega Trade Development Board) from issuing loans.

In the year 1964, loans amounting to Sh. 50,000 were granted to nineteen traders and, by the end of the year, the board had an unspent balance of Sh. 75,778 which will be allocated as soon as further applications are processed and approved by the board.

Therefore, the question is not whether we shall lift the ban; the ban has not been in existence since 1963.

Mr. Godia: Mr. Speaker, Sir, is the Minister aware that some of the traders who want loans from the board have their application forms delayed deliberately by the district officers who are responsible for recommending them.

Dr. Kiatio: Mr. Speaker, Sir, that is an entirely different question.

Mr. Ochwada: Mr. Speaker, Sir, is the Minister telling the House that there existed a ban on issuing loans to traders at one time? And if so, why should other traders be penalized because of some other defaulters who may not have any connexion with the traders at all?

Dr. Kiatio: Mr. Speaker, Sir, Yes, I am saying that there was a ban, very definitely. If borrowers borrow money from this revolving

fund and do not pay it back, then we have no other money to lend. Therefore, we put on a ban.

Question No. 1083

IMPORT LICENCES FOR AFRICAN TRADERS

Mr. Amali asked the Minister for Commerce and Industry if he would tell the House when the Government intended to withdraw some of the Import Licences now held by non-Africans and issue them to African Traders.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. It is not necessary for a trader to have an import licence in order to import goods unless he intends to import restricted items which require a specific licence for the protection of our local industries. When such a licence is issued for these restricted items, it is for a particular consignment to be imported at a particular time.

As we do not operate on the basis of a quota system, therefore, the question of withdrawing licences from Asians to give them to Africans does not arise.

Mr. Amali: Mr. Speaker, Sir, arising from that reply, the answer given to the House by the Minister is not enough, and in view of the fact that the black men and women in this country have been suffering for the last six years, it is no use saying that Kenya is independent while the import licences are still owned by foreigners and others.

Therefore, would the Minister consider withdrawing some of these import licences from the Asians and give them to the black Africans who are still suffering?

Dr. Kiatio: Mr. Speaker, Sir, with all due respect to my very good friend, the point is this. Most of the imports into our country are on the basis of what we call the general open licence which means that any person can import if he has the money and the company to import. There are no restrictions, therefore, it is not a question of going to these people, taking the licence away from them and giving them to somebody else. If my friend wishes to import tomorrow, he can do so tomorrow, because most of the items are on what is known as a general open licence.

Now, Sir, there are a few items, some of which were issued only yesterday on the front page of the *East African Standard*, which we put on import licence. When they come to apply for the licence, if we get an appropriate African wholesale company, we shall be very glad to give the licence, but Sir, we cannot give licences that are not applied for.

POINT OF ORDER

NUMBER OF SUPPLEMENTARIES ALLOWED

Mr. Anyien: Mr. Speaker, Sir, on a point of order, I would like to have your ruling: If there is a question asked and there are very many Members who would like to raise supplementary questions, I would like to raise the principle which guides the Speaker to stop the supplementary questions when only two supplementary questions have been raised.

The Speaker (Mr. Slade): The principles which guide me as to the time allowed for each question are, first of all, that we have to get through all the questions within a reasonable time, so as to allow us to do some other business in the course of the afternoon. The next is the degree of interest shown by the House, also the intelligence of the questions asked by way of supplementary questions. Lastly, the real progress made on supplementary questions. All those things I take into account. Also again, how many questions have already been asked by one Member or the other and which Members have not yet had a question. All this comes into it.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 1083: IMPORT LICENCES FOR AFRICAN TRADERS

Mr. Onari: Mr. Speaker, in view of the importance of this question, and since the Minister has not answered it satisfactorily, I would like to raise this matter on the adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 1091

TURKANA ANNOUNCER FOR VOICE OF KENYA

Mr. Ekdella asked the Minister for Information, Broadcasting and Tourism whether, in view of the fact that the majority of the Turkana people did not understand Swahili or English, he would consider appointing a Turkana as an announcer in the Voice of Kenya.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I beg to reply. At the present time, the Voice of Kenya broadcasts in eleven vernacular languages. The Government policy is to minimize as much as possible the vernacular languages, in order to encourage the use of the national language: that is Swahili. Already, some vernaculars have been dropped in preference to Swahili.

In these circumstances, it is considered that to introduce the Turkana language in the Voice of Kenya would be a step towards the encouragement of more vernacular languages rather than cutting them down. As such, the Government considers it is inappropriate to introduce the language in question.

Again, there is one thing which ought to be considered: whether the people of Turkana possess enough radio sets, and I am very sympathetic with the hon. Member and we feel that it is the duty of the Government, and in this case the duty of my Ministry, to loan, if possible, radio sets to the area. If these are found to be useful in this way, then we would consider how best to help that remote part of the country further.

Mr. Ekdella: Mr. Speaker, Sir, I just want to know whether the Minister for Broadcasting and Tourism knows that most of the Turkana—I do not want any Member to laugh, it is a very serious thing—do not know the language of Kiswahili, and I would like to know whether he could be kind enough and put one, two or three Turkana in the Voice of Kenya?

Mr. Achieng-Onoko: Mr. Speaker, Sir, it is not a question of employing the Turkana in the Voice of Kenya. It is a question of getting the Turkana a programme of their own and in their own language, and I have already answered that and I have said that we are really sympathetic and we hope to loan some radio sets to the area. Again, there is one difficulty which the hon. Member should appreciate, and that is the local people are scattered, and it is always very difficult to locate where they are, especially when it is very dry in the area. I know the place very well and this is why we are trying to sympathize and to do as much as we can to help them.

Mr. Gichoya: Mr. Speaker, on a point of order, Sir. The question as it stands here does not indicate that the Member for Turkana demands an establishment of a Turkana programme. The question is unemployment, appointment of a Turkana. Now, this is the point I do not understand, because the Minister—

The Speaker (Mr. Slade): I do not think that is a point of order at all.

Mr. Arerman: Mr. Speaker, Sir, does the Minister agree with me that in appointing one or two Turkana chaps in the Voice of Kenya, would encourage the Turkana to buy some radios to listen to the broadcasting?

Mr. Achieng-Onoko: Mr. Speaker, Sir, there is no sense in that, because if there is a qualified

[Mr. Konchellah]

students learn and therefore we are trying to have the language taught in every school where there is a teacher capable of instructing the students.

Mr. Anyien: Mr. Speaker, in view of the fact that there are certain Members who wish to have Swahili as the language which should be used in this House and in view of the fact we do not have sufficient teachers, could the Assistant Minister tell us whether the Government is willing to take some teachers from Tanzania to teach the Members of this House? If the Government is not willing to do this will it give us an assurance that Swahili is not going to be accepted as the language to be used in this House before we have sufficient teachers to teach potential Members of this House Swahili?

The Speaker (Mr. Slade): Order, order. Could you answer the first question and forget about the rest, Mr. Konchellah.

Mr. Konchellah: Mr. Speaker, I have found that it will not be possible to instruct the Members of this House unless they are willing to return to classes, but what we are doing at the moment is teaching the future citizens of this country Swahili in the schools.

Mr. Somo: Mr. Speaker, will the Government employ more people from the Coast to teach Swahili?

Mr. Konchellah: Mr. Speaker, Sir, we need trained teachers. If the hon. Member would be kind enough to give us a list of teachers who are qualified to teach Swahili, we will be very willing to employ them.

Mr. Kamuren: Mr. Speaker, Sir, is the Minister aware that the Swahili which is spoken at the Coast is the Swahili that is not supposed to come from other places of the country, in other words it is not standard Swahili?

Mr. Konchellah: Mr. Speaker, Sir, I do agree that my friend comes from the settled areas, therefore the Swahili he speaks is known as *Kf-swili*, the better Swahili is known as the Standard Swahili and it is Standard Swahili which has been taught in our schools which, I quite agree, originated at the Coast.

Mr. Turwel: Mr. Speaker, Sir, could the Assistant Minister tell us if it has ever been the policy of the Government that the official language of this House would be Swahili? If so, what steps has the Government taken to see that

there are sufficient teachers to ensure that Swahili will be taught in all schools so that the language may be spoken here?

Mr. Konchellah: Mr. Speaker, Sir, the use of Swahili in this House as an official language is not the concern of my Ministry, but rather it is the concern of this House to judge whether Swahili is to be introduced or not.

Question No. 1081

SECONDARY SCHOOL IN MANDERA AREA

Mr. Amin asked the Minister for Education if he had considered providing a secondary school in the Mandera area.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. No, Sir, secondary school facilities in the North-Eastern Province are adequate at present. When the need increases, consideration will be given to establishing new classes in the province, but it is likely that additional streams will be opened at Wajir Secondary School before new schools are started at Mandera or elsewhere in the North-Eastern Region.

Mr. Amin: Mr. Speaker, Sir, Mandera is in one of the remotest corners of Kenya and it was forgotten during colonial rule and it is now purely up to this Government to consider giving priority to such under-developed areas?

Mr. Konchellah: Mr. Speaker, Sir, in the North-Eastern Region twenty-four candidates did their K.P.E. and only ten passed and obtained their certificates. A number of them are in the secondary schools. I therefore hope that the hon. Member from Mandera will be satisfied when I tell him that if we get enough candidates who can do their K.P.E. properly, we will be willing to add another stream at the secondary schools.

Mr. Khalif: Mr. Speaker, Sir, is the Assistant Minister aware that there has been a tendency on the part of the Educational Department to say that there has been an insufficient number of children to warrant the establishment of schools?

Mr. Konchellah: At the moment the North-Eastern Region has no students who can go to secondary schools.

Mr. Khalif: Arising from the reply of the Assistant Minister when he implied that there are no students who can go to secondary schools is he aware that the secondary school which was established in Wajir early this year was done so

[Mr. Khalif] for the purpose of the children of the North-Eastern Region attending?

Mr. Konchellah: Mr. Speaker, Sir, in this case I think I need to give the hon. Members an explanation. The Ministry of Education has opened a single-stream secondary school at Wajir, far in advance of any of the district's educational needs, with the result that all candidates from the North-Eastern Province who took their preliminary examinations in 1964 have been admitted to Form 1 this year whether they passed or failed. There were twenty-four candidates taking K.P.E. last year and ten of them obtained K.P.E. certificates. The Ministry proposes to increase the number of streams at a time yet to be decided, when the increasing number and rising quality of Form 1 candidates justifies further expansion of facilities for secondary education in the region.

Question No. 1055

CONTINUATION OF IMPORT OF SOUTH AFRICAN GOODS

Mr. Kall asked the Minister for Commerce and Industry:

- (1) If the Minister was aware that despite the Government's ban on South African goods, South African manufactured goods were still coming into this country purporting to be from Southern Rhodesia?
- (2) What was the volume of trade between Kenya and Southern Rhodesia since 1963?

The Minister for Commerce and Industry (Dr. Kiano): I have heard from various sources that South African goods are coming into Kenya through Southern Rhodesia, but, so far, I have not had any concrete proof of this statement. The Government is very watchful and we are doing everything possible to stamp out all sales of prohibited goods. In this connection, Mr. Speaker, a Bill is now being prepared which will be introduced into the House in the very near future which will make it illegal to possess for purposes of trade any goods which are banned in Kenya, that means goods from South Africa or from Portugal.

In so far as the second part is concerned, the trade figures for the year 1963 included the figures from both Southern Rhodesia and Malawi, and these figures are as follows:

Exports from Kenya	£ 230,969
Imports from Rhodesia and Nyasaland	442,047

However, the volume of trade between Kenya and Southern Rhodesia alone for the year 1964 that is not inclusive of the Malawi figures are as follows:

Exports from Kenya	£ 310,195
Imports from Southern Rhodesia	268,811

Mr. Kall: Mr. Speaker, Sir, can the Minister assure this House that his Ministry goes around to the local shops where we have some evidence of some merchants who have been importing goods from South Africa through some friends in Southern Rhodesia?

Dr. Kiano: Mr. Speaker, Sir, as soon as the law is passed by this House which, as I said, will be in the very near future, we shall be able to prosecute.

Mr. Choge: Mr. Speaker, Sir, will the Minister tell this House when the Bill is going to be introduced in this House?

Dr. Kiano: I am assured by the Attorney-General that he is working on it right now.

Mr. Choge: On a point of order, Mr. Speaker, Sir, the Minister has not answered my question.

The Speaker (Mr. Slade): That is not a point of order, I am afraid.

Mr. Jamal: Mr. Speaker, has the Minister been informed that the corks used in the fishing industry have been imported from Holland but manufactured in Portugal?

Dr. Kiano: Mr. Speaker, Sir, I am very grateful for that information; I was not aware of it.

Mr. Mhogohi: Mr. Speaker, Sir, I was asking the Minister whether he took any action when he received—I showed him and his Permanent Secretary—some containers which were made in South Africa, and which were being used in this country. What action did he take?

Dr. Kiano: Mr. Speaker, Sir, I am very much aware of the incident that the hon. Member is referring to. As a matter of fact, it was very disrespectful behaviour, because it was at a party attended by His Excellency the President and some people had given us paper cups made in South Africa during luncheon. It was very disrespectful and hon. Members brought that to my notice. The facts are, Sir, that, until this House has passed a law, we cannot punish people.

[The Assistant Minister, President's Office.] priorities and there are more pressing demands upon the Police Force at the present time. The matter will not, however, be lost sight of, and the Government intends to do so as soon as funds permit.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the thefts and other criminal acts by the people in the district, could the Assistant Minister tell the House whether the Ministry is looking for funds and when these funds will be available?

Mr. Nyamweya: Mr. Speaker, Sir, provisions are being made to be contained in the Estimates of 1965/66.

Mr. Malsori-Iumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, in view of the fact that last year the same question was asked in this House and the answer was almost the same, could he assure the House that the Minister will not repeat the same mistake by telling us what the funds are going to be found and yet nothing will be done about it?

Mr. Nyamweya: Mr. Speaker, Sir, I personally did not reply to this question last year, but if it was replied to last year, I now make it known to the hon. Member for Kuria that arrangements are being made and there will be something in the next year's Estimates.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that it is a question of priority, would the Assistant Minister tell us the number of crimes committed since last year in the district, because the Government was forced to send the General Service Unit to the district two weeks ago to put down some criminal acts in the district?

Mr. Nyamweya: Mr. Speaker, Sir, I do not want to be drawn away from the question of giving the number of crimes committed in Homa Bay or in that district, but what I want to do is to repeat to the hon. Member for Homa Bay is that the Government considers the establishment of police headquarters at Homa Bay as one of the priorities.

Mr. ole Tipli: Mr. Speaker, Sir, would the Assistant Minister agree with me that instead of spending a lot of public money, the Member for the area ought to educate his people?

Mr. Nyamweya: Mr. Speaker, Sir, we all know that the hon. Members of this House are duty-bound to help to maintain law and order and it is our duty, as the hon. Members of this House, to educate our people that it does not pay to

commit a crime. This is not only for the Member for Homa Bay but it applies to all of us.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, in view of the fact that the Masai are known to be notorious people for stealing cattle.

The Speaker (Mr. Slade): Order, order, Mr. Ngala-Abok, you must know that you are completely out of order. It was not a point of order to start with and it was not the sort of thing to say in the second place. You must be much more careful of what you say in this Chamber. You had better withdraw what you said.

Mr. Ngala-Abok: Mr. Speaker, Sir, I withdraw it.

Question No. 2017

STRIKES AT YALA AND MASENO SECONDARY SCHOOLS

Mr. Odera-Sar asked the Minister for Education if he would tell the House what were the causes which led the students at Yala and Maseno Secondary Schools to go on strike.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply.

(i) Yala

The strike at Yala was caused by a dispute between Forms III and II on the one hand and Form IV, on the other, regarding which group should serve the other at mealtimes.

It has been the practice in the school for Form III to serve Form IV at mealtimes. This year for reasons best known to the class, Form III refused to serve Form IV. Tempers naturally rose in both classes, with Form III demanding emancipation classes, with Form IV insisting that it was their turn and privilege to be served by Form III.

At one stage, the relations between the two forms were so bad that there was violence and disorder threatened. School authorities took every possible step to halt this bad trend and increase the maintenance of order and discipline. Form III were ordered to serve Form IV in accordance with the tradition of the school and when they refused to comply, another order suspending them was issued immediately. The authorities then turned to Form II and ordered them to serve Form IV. They too refused to do so, and were immediately suspended.

(2) Maseno

The immediate cause of strike at Maseno School was the rather poor performance by the

[The Assistant Minister for Education]

parts of that School in the 1964 School Certificate Examination. The general causes included a complaint that students were made to perform manual work in order to clean their dormitories and compound; a complaint about poor staffing in the lower school (i.e. Forms I and II); and a complaint about poor school management.

Mr. Odera-Sar: Mr. Speaker, Sir, would the Assistant Minister tell the House what remedy he is planning to carry out in order to stop these students going on strike in connexion with serving food and other things?

Mr. Konchellah: Mr. Speaker, as I have said before, what caused the strike is a sort of tradition which reflected the significance of seniority in the life of the school. This has been looked into and we are not expecting any more strikes.

Mr. Mbooghi: Mr. Speaker, Sir, is it the policy of the Kenya Ministry of Education to have the lower grade students serve the higher grade students in schools?

Mr. Konchellah: I must say, Mr. Speaker, Sir, that this is not a policy of the Ministry of Education, but is a tradition which is being followed by a particular school.

Mr. Ngala: Arising from that reply by the Assistant Minister, could he assure us that since the tradition is wrong and causes chaos in schools he will stop it immediately by instruction?

Mr. Konchellah: Mr. Speaker, Sir, the report which we received from the particular school is that this tradition has been going on for years and so far there has been no trouble. At the moment the school is quiet, but if we find that the school does not follow the same tradition we will ask the headmaster to put an end to it.

Mr. Shikuku: Arising from the Assistant Minister's reply, would he not agree with me that if this tradition is a part of this school and some of us have been doing that and have even emerged into great leaders and as such that tradition should continue?

Mr. Konchellah: Yes, Sir.

Question No. 1063

TEACHING OF SWAHILI IN SCHOOLS

Mr. Jamal asked the Minister for Education:—

(a) If he was aware that many Government and grant-aided schools were not teaching Swahili.

(b) What plans his Ministry had to introduce the compulsory teaching of Swahili in all schools.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply.

(a) The Minister is aware that not all schools can teach Swahili at present because of lack of teachers but, where teachers are available, Swahili is generally being taught.

(b) The hon. Member will be aware that the Government is at present studying the whole education system on the basis of the Education Commission Report and, as such, my Ministry is not prepared to take any precipitate action and, in any case, making any subject compulsory when teachers are not available would not serve the purpose which the hon. Member may be having in mind.

Mr. Jamal: Mr. Speaker, Sir, does the Assistant Minister imply that Kenya, whose indigenous language is Swahili, has not been able to produce the requisite number of teachers to teach Swahili in Kenya schools?

Mr. Konchellah: Mr. Speaker, Sir, in some of the schools, especially in Asian schools, you can hardly find a teacher who can speak fluent Swahili and so this means that we do not have enough teachers in every school to teach Swahili. However, in the schools where teachers are available, Swahili is being taught.

Mr. Jamal: Mr. Speaker, would the Assistant Minister make it compulsory for all schools where Swahili is not taught, to advertise for teachers who can teach Swahili?

Mr. Konchellah: I have not heard the question.

The Speaker (Mr. Slade): I must say I am not surprised.

Mr. Jamal: Arising from the Assistant Minister's reply, when he stated that a sufficient number of teachers who can speak Swahili are not available, will the Ministry make it compulsory for the schools who are not teaching Swahili at this time to advertise for teachers who can teach Swahili?

Mr. Konchellah: Mr. Speaker, Sir, at the moment we have a problem in finding teachers who can read Swahili. We would like to teach Swahili in the same manner in which we teach other subjects such as French, but we can only do this when we have enough teachers. French is another language which we are trying to introduce into the Kenya schools. But Swahili is a language which we are most keen to see our

Wednesday, 21st April 1965

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

RULING ON MR. MALINDA'S MOTION

The Speaker (Mr. Slade): Hon. Members, on Thursday, the 1st April, this year Mr. Malinda gave Notice of a Motion which called for investigation and action by Government in respect of alleged evidence that arms were being smuggled into Kenya by communistic and other countries.

In accordance with a resolution of the Sessional Committee, this Motion was placed on the Order Paper next day, Friday, the 2nd April, with due warning to Mr. Malinda; but, when the time came for the Motion to be moved, Mr. Malinda was absent from the Chamber.

Yesterday, Mr. Malinda made a Personal Statement to the House, in which he explained his failure to appear at the time appointed for his Motion, and apologized. At the same time, he indicated his readiness still to proceed with this Motion next Friday, if I would allow him to do so.

Having heard Mr. Malinda's explanation and apology to the House for an incident which aroused justifiable indignation at the time, I am no longer concerned with his personal conduct in this matter; except so far as it affects the decision whether or not to allow this Motion to appear again on the Order Paper, which, as he rightly says, now rests with me.

Standing Order 33 provides, in effect, that a Motion which has not been moved at the time appointed shall not thereafter, during the same Session, be placed on an Order Paper again without the leave of the Speaker.

Normally, when a situation of this kind arises, I make and communicate my decision privately, with little or no explanation to the House. On this occasion, however, knowing the atmosphere in which Notice of this Motion was given and the feelings that were thereby intensified, I think that the House is entitled to hear a full explanation of my decision.

In all such cases, the first question that your Speaker has to consider is whether or not the Member concerned had such good reason for his apparent default—for example, sudden illness, or insufficient warning of the Order Paper

—as to justify, in fairness to him personally, a further opportunity to move this Motion. In this case, while accepting Mr. Malinda's explanation and apology, I do not think that his explanation is such as to demand, in fairness to him personally, that further opportunity.

But that is not the only question. Your Speaker has also to consider whether the nature and circumstances of the Motion are such that, in spite of any default on the part of the Mover, it is in the best interests of this House, and of the country which this House serves, that he be allowed, if willing, still to move the Motion.

Naturally, the answer to that question depends largely upon what appears to be the will of the House, but it is one of those comparatively few occasions when the will of the House does not necessarily prevail. The will of the House, which is the will of the majority, must always prevail in resolution of any substantive issue; but when it is a question of what is to be heard or not to be heard in this House, and your Speaker is given the last word, he has to consider also both the right of minority or even an individual Member to be heard, and the overriding interests of the House and nation as a whole.

Since the day when Mr. Malinda gave notice of this Motion, nearly three weeks ago, much has occurred. On the following day, his failure to move the Motion resulted in a Motion for Adjournment under Standing Order fourteen, when some of his anxieties were ventilated by other Members, and the Minister for Internal Security and Defence replied; and, in the course of the substantive Motion for Adjournment which followed, the Minister gave a further reply to certain further questions on the same issue. Thereafter, local newspapers published various facts and rumours, which have been publicly explained or answered by the Minister and other Members through Press conferences or otherwise. Moreover, the rains have broken; and those tensions from which most of us suffered during the last hot month of atmospheric tension have been largely dissolved.

I can see only three possible reasons for allowing this Motion yet to be moved.

The first is that hon. Members may wish to hear whether Mr. Malinda has evidence of arms being smuggled into Kenya, beyond the facts and rumours of which this House and the country are now already aware. I am authorized by him to say that he has no further facts to lay before this House.

The next reason might be that the House and the Nation wish to hear Government's answer to these facts and rumours; but the Minister's

[*The Speaker*] answers and explanations have already been heard, both in this House and elsewhere, and he tells me that he has nothing to add.

The third, and not the least important, reason might be that the Motion implied some charge against Members of this House, which they must be allowed to answer in this House. That would be sufficient reason by itself for the Motion to be moved, unless withdrawn by the Mover. But he moved, in the terms of this Notice of Motion to associate it with any individual Member or Members. If there has been any such unfortunate association, that can only have been due to rumours outside this House, which have already been answered outside this House, and with which the House itself must refuse to be concerned, unless, and until they are brought before the House. Moreover, Mr. Malinda has assured me that he did not intend, in moving this Motion, to attack any Member of the House.

In conclusion, I feel—and I believe that the majority of hon. Members really feel—that personal suspicions and enmities which seemed to be developing on this issue, to the detriment of this House and the nation, and the atmospheric tensions of three weeks ago, are now on the mend; and that nothing could result from the reopening of this Motion but the reopening of sores which are now nearly healed.

For these reasons, Mr. Malinda's Motion will not reappear on the Order Paper during the present Session.

NOTICE OF MOTION.

POLICY FOR HARAMBEE SECONDARY SCHOOLS.

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

"That this House calls upon the Government urgently to state more clearly its policy with regard to Harambee secondary schools; and to revise the policy about secondary education generally."

ORAL ANSWERS TO QUESTIONS

Question No. 1050

ISSUING OF STAFF LISTS

Mr. Makokha asked the President whether the Republic of Kenya was going to compile and issue periodic staff lists as was the practice during the colonial régime.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir I beg to reply. Yes. Arrangements are already in hand to prepare a staff list and it is hoped that one will be issued by July this year.

Mr. Ochwada: Mr. Speaker, will the Assistant Minister tell the House why it has taken so long to compile a list and publish it?

Mr. Nyanweya: Mr. Speaker, Sir, the last staff list was issued in September 1962. When arrangements were made to issue the 1963 list as at September 1963, the regional constitution upset this arrangement, since it was not possible to determine regional establishments. The 1964 staff list was also made impossible by the fact that the Pratt terms of service were implemented and a lot of changes in salary scales were effected, which meant that the staff list which would have been issued would have been out of date before it was printed.

Mr. Ochwada: Since this list must be given on a certain date, would the Assistant Minister tell the House how the Pratt Commission Report's implementation affected the publishing of the list?

Mr. Murrill: Mr. Speaker, Sir, does the Assistant Minister not agree with me that this list has not come out simply because the jobs have been allocated tribally?

Mr. Nyanweya: Mr. Speaker, Sir, No. I want to deny emphatically that the list has been delayed because of the tribal set-up of the civil servants.

Question No. 1045

DEMOTIVE OF MAJOR OGUTU

Mr. Odeyo-Sar: Mr. Speaker, Sir, since I have discussed this matter with the Minister for Internal Security and Defence, I would like to withdraw the question.

Question No. 1060

POLICE HEADQUARTERS AT HOMA BAY

Mr. Ngala-Abok asked the Minister for Internal Security and Defence if he would tell the House how soon he intended to establish a police command headquarters at Homa Bay for South Nyanza District.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, on behalf of the Minister for Internal Security and Defence, I beg to reply. The question of establishing divisional headquarters at Homa Bay has received considerable attention. It is, however, a question

The Speaker (Mr. Slade): Mr. Odinga, we do not accept that any hon. Member is wasting our time or his by raising what he is entitled to raise in this House, even if it is your private opinion.

The Vice-President (Mr. Odinga): I am very sorry, Mr. Speaker, I withdraw that.

The Assistant Minister for Lands and Settlement (Mr. Gochago): Mr. Speaker, Sir, as the hon. Vice-President has very clearly stated, this matter arose from a question which was asked in this House by the hon. Member who has seen fit and thought it appropriate to raise this matter again on the adjournment.

Mr. Speaker, let me say this, before I go on. He viewed the matter that the answer was unsatisfactory. I do not think the reply which was given was unsatisfactory at all, because there were no differences between what the hon. Member thought and what he claimed and what the Government thought. The only difference was that, after the original agreement both the Turkana and the Samburu had a conflict. The Samburu, after they had made an agreement to follow a certain line of demarcation, intimated that, in order to have a line drawn, the Turkana should be pushed back to the valley, and this was contrary to the agreement which was made. Now, if the Government went on forcing this issue, it would mean that the Government would leave these people fighting on the question of the boundary for ever and, therefore, this is why it is very important that the two tribes, which are living next to one another, should agree themselves, instead of the Government going in and imposing a solution to what is actually their own problem. It is not a problem of the Government. The Government has no problem here at all. The Government is willing and as the hon. Vice-President has put it, the Government is prepared to carry out an investigation without delay, an investigation as to whether the two tribes have now agreed, or the two tribes have now sorted out their differences, and this is what the Government is prepared to do.

I would appeal to the hon. Member, Mr. Speaker, that instead of bringing this matter when the Government has agreed that there is a case, to contact the Ministry of Lands and Settlement so that this matter can be discussed and if necessary the Commissioner of Lands will go further and investigate on the spot whether these two tribes are prepared to agree so that a solution to their problem can be reached.

Therefore, Mr. Speaker, I do not see the point for dissatisfaction here, or the suggestion that the reply which was given was unsatisfactory, because

all the Government said was that this difference existed. It is not the intention of the Government to make a decision which will lead to perpetual conflict, perpetual fighting between two tribes. The Government would like to avoid conflict between tribes as much as possible, and I am sure the hon. Member would not like the Government to reach a decision which would keep his people, his tribe the Samburu, fighting the Turkana from time to time. I am sure he is as anxious as the Government is to avoid such a conflict.

Mr. Speaker, the Ministry of Lands and Settlement has open hands to receive the hon. Member, if possible with a delegation, and to go as deep as possible into the matter so that this *shauri* can be investigated. It is not fair, and I am sure the hon. Member will agree with me, at this stage, and at a point where there is a disagreement between the two tribes, that the Government should impose a solution.

Thank you, Mr. Speaker.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Wednesday, 21st April, at 2.30 p.m.

The House rose at fifty-two minutes past six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1056

CO-ORDINATION OF ECONOMIC PLANNING AND DEVELOPMENT

Mr. Ngala-Abok asked the Minister for Economic Planning and Development if he would give a detailed explanation of how his Ministry co-ordinated and channelled the economic planning and development policy of this country with other Ministries.

REPLY

The Minister for Economic Planning and Development (Mr. Mboya): As the hon. Member is aware the planning organization of the Government was set out in chapter 2 of the Six-Year Development Plan for the period 1964-70, which was published last year. This description will be brought up to date when the revision of the Plan is published later this year.

(The Minister for Economic Planning and Development)

The Ministry operates through three divisions namely, the Planning, the Statistics and the Administrative Divisions. The Planning and Statistical divisions have subsections which specialize in matters concerning various Ministries.

The development plans from each Ministry are prepared in close consultation with officials of my Ministry specializing in various sectors. Once the plans are cleared with my Ministry, they are submitted to the Cabinet Development Committee of which I am chairman, for scrutiny. Any ministry with interests is also consulted. When adopted by the Development Committee, these plans become part of the country's 1964-70 Development Plan which is approved by the Cabinet. My Ministry does also take the initiative to propose suitable projects to a Ministry or Ministries for inclusion in the Development Plan. We are also concerned with technical assistance. The Treasury controls the money, but we decide the priorities of projects and work closely with the Treasury to ensure funds are available or explore new sources.

My Ministry studies the programme of execution of the plan and calls for information on pro-

gress made. It also discusses weaknesses in the plan and possible switch in emphasis or order of implementation with the Ministries concerned. My Ministry ensures there is discipline in the development of the economy and no department or Ministry may initiate any new project not already in the plan without discussing it with us and getting approval of the Development Committee.

At the moment, we do not have planning officers in the field. Arrangements are, however, under way for appointing provincial planning officers who will, *inter alia*, ensure co-ordination of plans prepared by departmental heads for provinces and also co-ordinate social, physical and economic planning at the provincial and district level. These officers will also provide liaison with provincial development and make recommendations for the improvement of plan implementation procedures at the provincial and district level.

This, briefly, is how my Ministry co-ordinates and channels the economic planning and development policy of this country with other Ministries. Should the hon. Member be interested in a more detailed account, I will be pleased to arrange for my officials to describe to him how the planning organization works.

[Mr. Makokha] Lurambi is not representing a bigger constituency than the Member for Emukhaya? What I was trying to say is that because some of these members represent larger areas—I am not talking about population, geographically they have to cover large areas—they need money. They are required to meet their electors, and so they must receive a salary so that they find it easy to move about either by bus, motor bicycles, etc.

The Speaker (Mr. Slade): I am afraid we have come to the time for the interruption of business. Would you like to break off and continue next time?

Mr. Makokha: I will continue next time, Mr. Speaker.

MOTION FOR THE ADJOURNMENT

LAND VESTED IN SAMBURU COUNTY COUNCIL.

The Speaker (Mr. Slade): It is now time for the interruption of business and I will therefore call upon a Minister to move that the House do now adjourn.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Lands and Settlement (Mr. Angaine) seconded.

(Question proposed)

Mr. Rurumban: Mr. Speaker, when I requested you that I be allowed to raise the matter now before the House, I did so because I felt that the replies given by the Assistant Minister for Lands and Settlement were both unsatisfactory and irrelevant to my Question 952. My question was simply a request asking the Government to vest the Samburu land into the Samburu County Council as we were once promised in this House by the then Minister for Justice and Constitutional Affairs.

Sir, I was surprised and shocked to hear from the Assistant Minister that the Government is opposed to converting the Samburu land into land units simply because there is a little dispute between the Turkana Samburu who are living in the Samburu District and the Samburu themselves over the grazing rights. Sir, I think it is unfair for the Government to refuse to convert the Samburu land into land units simply because of that dispute between the Samburu and the Turkana over the grazing rights. The question of demarcating the Samburu District or of creating another district within the Samburu District

is really unacceptable to the Samburu tribes. The Samburu have never suggested or entertained the idea of yielding any part of their land to anybody. The land is theirs and it will remain theirs, and anybody who claims any part of the Samburu District has no right to demand it. The Turkana we have in the district, Mr. Speaker, will remain in the district by virtue of their long stay in the district. The Samburu have never said they do not want these Turkana in the district, and if the Government does not want to vest the Samburu land in the county council then it is not fair at all. I would accuse the Government of denying the Samburu their freedom over their land.

The county council, and we, Members of Parliament, have requested this Government several times, even during the colonial régime, to declare the Samburu District as a Native Land Unit, like many other districts in the country or other tribal lands. This is another Government now, Mr. Speaker, a Government which is the Government of the country and I fail to understand, therefore, why the Samburu land is not vested within the county council of Samburu like many other tribal lands in this country. Sir, the reason for the Government refusing to convert this land into land units because of that little dispute over the grazing land between the Turkana and the Samburu is not sufficient.

The Samburu are opposed to the infiltration from the Turkana District into the Samburu District. The land of the Turkana is enough for the Turkana and we object very strongly, Mr. Speaker, to any Turkana from Lodwar coming to our district.

Mr. Ekitella: On a point of order, Mr. Speaker, is the hon. Member speaking on Turkana or the people of his district?

The Speaker (Mr. Slade): What is your point of order?

Mr. Ekitella: My point of order, Mr. Speaker, Sir, is this: is the hon. Member speaking on the Turkana or the Samburu?

The Speaker (Mr. Slade): That is not a point of order. You can ask for clarification, if he gives way; but that is not a point of order.

Mr. Rurumban: Mr. Speaker, I think the hon. Member is not aware that the reply I was given by the Minister was that the main reason why the Government is opposed to converting the Samburu land into land units is because of the disputes over grazing between the Turkana and the Samburu.

[Mr. Rurumban]

Sir, I believe that for the Government to object to converting the Samburu land into land units merely because of this dispute is unreasonable.

With these few words, Sir, I beg to move.

Mr. Ngala: Mr. Speaker, I think the Mover of the Motion has spoken with sufficient sincerity to make the Government understand the needs of the Samburu people, and I would like to mention only a few points.

It was agreed during the Lancaster House Conference, when we were discussing the Constitution, that a great deal of this land which used to be Crown land in these districts of Samburu and Turkana was to be vested in the people themselves and, because of this agreement, the people of the area, the Turkana and the Samburu, are absolutely entitled to ask for their land back as Trust land. I think the idea is to have this land converted from Government land to Trust land. It is very clear that once the land becomes Trust land, the local people will have more say in their own land constitutionally.

Another thing is this. We were not convinced when the Government was giving its reply, because the Government said it had stopped acting because of the quarrels between the Turkana and the Samburu. Now, this is not convincing, because this is not the first time two tribes have had quarrels over land or any other property. Therefore, I submit very strongly that the Government should transfer the Government land to Trust land and demarcate the boundary between these two districts, so that the Samburu can continue with the land as their own property.

It is very difficult to have a county council which practically has no land, where all the land belongs to the Government. Since the county council has a great deal to do with economic development, I think it is depriving the county council of the chance of developing economically since the land does not belong to the people.

The Samburu have always been keen on keeping ranches. If the land is controlled from Nairobi, this would hinder local projects and schemes.

Now, if the Government admits that it cannot settle any quarrel between the Samburu and the Turkana, then it is reflecting gross weakness in not being able to settle the problem which does exist between the two tribes. There can always be disputes even over small areas and Government can determine that there is a belt of land which does not belong to either of the tribes and that small piece of land could be left

as Government land. The majority of the land, however, could be given to the people.

I think there is something more behind this. The Government wants to own land over these areas and that is why it refuses to vest the land in the county councils. We have experienced this in the Tana River area, the Lamu area, where huge tracts of land have been withheld from the county councils. Now, if this is the intention of the Government we should be told in no uncertain terms that Government wishes to keep that land and it is not the question of any quarrels between the tribes. I believe that Government is capable of negotiating with the elders of the Samburu and the elders of the Turkana and of coming to some agreeable formula. It is possible that any belt of land over which there is intense feeling and quarrelling should be retained by Government, but the bulk of the land should be given to the people. It should go back to the county councils to enable the county councils to go ahead with development schemes within the Six-Year Plan.

With these words I would like to support the Mover and feel that the Government should consider sorting out the problem in order to enable the Turkana and the Samburu people to own their own land as Trust land.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I do not see any controversy over this particular issue, because it is clear from the reply given by the Government to the hon. Member opposite that the boundary in this agreement—Mr. Speaker, if I may be allowed to quote, it says, "A boundary of this nature can only be broached with amicable agreement on both sides, for, if it is imposed without the agreement of both sides it is bound to lead to troubles later."

Then the Government went on. I have no evidence yet that the Samburu have reconsidered this matter or agree to all of the previous agreements with the Turkana, but if the hon. Member for Korossi wishes to pursue the matter further, my Ministry will be prepared to carry out an investigation without delay. Therefore, I must say that the Government is being charged wrongly because they agree that if the initiative comes from the Samburu elders and the Samburu County Council, the Government is prepared to cooperate and to work to see that justice is carried out. As such, Mr. Speaker, I would only ask the hon. Member that, instead of wasting his time coming here with talk, talk and talk, the best thing would be for him to go on with the work of trying to initiate the discussions and let the Government also go on and let the Turkana and Samburu areas agree on what should be done.

[Mr. Agar:]

the office is nothing, but the people will always be right in as far as they choose their representatives in this House democratically. This is why we seek to see this Government acting according to the promise it gave to the people during the elections. The party that won and formed the Government here pledged that it did not want a regional constitution, a federal constitution in other words. We want to see the Government bravely abolishing regions altogether and creating a central Government related, connected and giving its own direction to local government, which is the county councils. We do not want something in the middle. We want this Government to increase confidence in this House by raising the maximum of fourteen days as the days of emergency. But to seek the mandate in this House to allow them to rule more than that means they are beginning to fail, to suspect, to feel cowardly. Let us face the people, let us serve them and let us seek their consent on everything we do.

Mr. Deputy Speaker, Sir, we would like to inform this Government that—an hon. Member is asking me whether I am sincere. Mr. Deputy Speaker, Sir, he should ask himself first whether he is sincere in asking me this.

Mr. Oduya: On a point of order, Mr. Deputy Speaker, I am wondering whether it is in order for a Member who just the other day—on the 1st of this month—when we were talking about twenty-one days, voted in favour of twenty-one days and now today coming to this debate and saying the exact opposite. He is now going to confuse the nation just for the sake of making people read the HANSARD, saying that Omolo Agar spoke?

The Deputy Speaker (Dr. De Souza): Order, order. Mr. Oduya, that is not a point of order, and you know very well that it is not a point of order. It is very wrong for you to try and make a debating point under the guise of a point of order. You have been told this so often, that it is quite wrong to interrupt an hon. Member in the middle of his speech under the guise of a point of order. Please do not do it again.

Mr. Agar: Mr. Deputy Speaker, it is not unusual to see some Members subject to certain definite discipline and directions interfering with the free expression of a Member of Parliament who is speaking on behalf of the people of Kenya.

I come now to my last point, Mr. Deputy Speaker. I appeal to this House, in the interest

of this country and of unity, that the Attorney-General should withdraw the amendment Bill to these parts of the Constitution, retain those parts which only deal with consequential amendments, leave out those parts which deal with fundamental rights of our people, and constitute a committee of experts from Government and from the Members of this House to find an acceptable part, percentages, and the right of fitting changes which would be acceptable to this country and trusted by this country. Further, the Attorney-General and the President of this country should review the whole Constitution without bias, without any particular urge or plan, consulting individuals or groups, and find an acceptable and flexible Constitution that will fit this country for as many years as possible to come. Meanwhile, I want to say that I am not for an inflexible Constitution that cannot be changed, but I stand for a Constitution that will enable a just and a popular Government to function properly and make the people of Kenya feel that they are being ruled for their own good and in their best interests.

Thank you, Mr. Deputy Speaker.

Mr. Makokha: Mr. Deputy Speaker, Sir, one difficult thing about this particular Bill is the fact that either you throw out the whole thing or you accept the whole thing.

Mr. Deputy Speaker, Sir, as the former speaker has just said, some of the sections in this Bill are completely unacceptable. In fact, it would have been wiser for the Attorney-General, as the hon. Mr. Omolo Agar has said, to have divided this into two, so that we have a Bill dealing with consequential changes and another one dealing with those important changes. Mr. Deputy Speaker, Sir, I personally find it very, very difficult to vote for this Bill for the reasons I am going to give.

This Bill we are talking about now intends to amend section 29 dealing with a state of emergency. The Minister for Economic Planning and Development used very clever words and tried to convince us that there was not any difference between fourteen or seven or twenty-one. Mr. Deputy Speaker, Sir, it is obvious. Let us first of all argue about the word "within". I believe that all argue about the word "within". The President word means inside of, so that if the President was a bad one or had some evil intentions, he could call Parliament after twenty days, after nineteen days or even on the twenty-first day; it would still be within twenty-one days. Mr. Deputy Speaker, Sir, the word "emergency", of course, is special, as the Minister says, the days of emergency are not normal days, so I do not see any reason why we should not act abnormally

[Mr. Makokha:] I do not see why we should say at that time I do not see why we should say that it is very difficult to call Parliament within seven days, let us therefore have twenty-one days. This is an emergency.

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

[The Speaker (Mr. Slade) resumed the Chair.]
Probably in a certain area people are being shot down.

Mr. Khassakha: By you.

Mr. Makokha: Although I was a teacher once, I do not want to teach the Member for Emukhaya.

So, Mr. Speaker, Sir, just to differ from the hon. Mr. Omolo Agar a little, I still insist on seven days. I believe that all Members of this House are quite civilized, all of us have radios and even with the use of radio only this House could be called within seven days.

Mr. Speaker, Sir, the Minister also here and outside this House accused a lot of us of being pessimistic; that is, that we do not have confidence in the President or probably in the Government, so that we should not worry about some of these amendments. Mr. Speaker, Sir, I believe that the Constitution is a set of rules to guide those in power and, at the same time, a set of rules to guard against those people who may be in power and who may have some evil intentions. So for that reason, Mr. Speaker, Sir, we must not take lightly whatever there is in this amendment Bill.

Now, Mr. Speaker, come to section 71. First, the reduction of percentage from 75 to 65. I remember, outside of this place, some hon. Members tried to convince us that the fact that we are now one party—we do not have two parties and, therefore, there is no need to have the higher percentage. Mr. Speaker, Sir, I personally, think otherwise. If we are one party we are united and I do not see the need for reducing the majority from 75 per cent to 65. After all we are one party, we speak with one voice, if the change is reasonable we can give it an O.K.

A Constitution is a very important document and I feel that whatever change is made should be as popular as possible and for that reason I feel that the percentage of 75 should remain.

Also, this amendment to subsection (3) which refers to the referendum is being deleted, that is, in future should both this House and the Senate have to reach an agreement as to the change that should be made, we shall not have a referendum.

We shall not be able to refer to the people, or to the country. Personally, Mr. Speaker, Sir, this is unfortunate and should have been retained, because in a matter of changing the Constitution I feel that if we, here, the elected Members, fail to reach an agreement I think the people who elected us should be given an opportunity to say whether we were wrong or whether we were right. For example, now we have an argument, as I have said before, where there are some people who said that twenty-one days when it comes to the declaration of emergency is all right, while there are others who say that seven days is all right. Now, should we not agree here I do not see why we should not go to the country and tell the people that some of us feel seven days is enough while others feel twenty-one days are enough. As usual the people of this country will give the correct answer in a referendum. So, I repeat that that particular subsection, subsection (3) of section 71 should remain.

I come next to the provincial councils. As the previous speaker has spoken, being an original Kaniu like myself, some of us would have liked to see the Regional Assemblies or the Provincial Councils go altogether. However, in this Bill we are talking about now, it has not got rid of the Provincial Councils, they are still there and because they are still there something should be done for the members, because this Bill does not get rid of them. My argument is because we have left these people in, we have left the councils and members in something must be done for these people. I may agree that it is not necessary to include a reference to their salaries in the Bill, but we want an assurance from the Government, or from the Attorney-General, that something will be done. I know a lot of Provincial Councillors who represent larger constituencies than some of the Members of Parliament. For example, the Member for Emukhaya is always exhibiting his ignorance and I will tell him about this.

Mr. Khassakha: On a point of information, Mr. Speaker—

The Speaker (Mr. Slade): Do you give way, Mr. Makokha?

Mr. Makokha: No, Sir, I do not. I will explain my reasons for what I said. In the Western Province we have three districts. Now, in these three districts Busia is the smallest and therefore the members of the Regional Assembly of Busia represent smaller areas. Take Lurambi Constituency for example. Do you mean to tell me that a Regional Assembly member in

[Mr. Agar]

House at this time or rather anybody who wants to lead this country through this House must make sure that he has not used any other machines to change the laws of this country for his own personal benefit or personal opinions or ways leading to dictatorship. That is why we would prefer at this stage Kenya, or any other newly independent country, to continue to feel that a law on fundamental rights is only changed in as far as their representatives in overwhelming majority agree to it. This is why we even instructed the Attorney-General to withdraw this Bill or separate it to enable us to feel the pulse of the country so that they know exactly where they are through their representatives. I am sure, Mr. Speaker, nobody wants to reduce the majority on constitutional changes on fundamental rights at this stage because, as I said at the beginning, we have not been unified sufficiently to feel safe on tribal level, on provincial level on racial level. This House alone, when it gives itself the majority of three-quarters, means we can accept that change. Therefore I reject the reduction of the majority for changing the Constitution on fundamental rights.

Mr. Speaker, Sir, there are three ways in which we judge whether a Government is doing well or not. We consider the laws the Government enacts in a country. If a law is enacted and that law is practicable, that law can be affected among the people. Then we know that Government has the confidence of the citizens. If a Government passes a law which cannot be obeyed, or a law which causes friction, we know that that Government does not have the confidence of the people. Therefore, the laws of the land, those which concern fundamental rights in this country, should be absolutely trusted and believed and must with the confidence of the people of this country. On this particular question of constitutional law, I say this. When this nation was born, we understood very well that we would follow the path on which this Government was going to be carried out democratically without coercion on the laws which would be practised in this country, without coercion or force on the leadership which would be in this country. Our main life in this country was on the land. We knew that nobody was going to interfere with the land in this country and therefore we must advise the Government not to interfere with laws concerning land, certain fundamental laws and laws of leadership.

In the last amendment, Mr. Speaker, there was an amendment section which was mistakenly passed in this House and that is how to elect

the President of this country. The amendment was that if a Member of Parliament stood, on his nomination paper he had a sign upon be supported as a president, to qualify as a candidate for Parliament. Mr. Speaker, Sir, why should somebody become president on my votes? People may have different opinions in constituencies as to whether Omolo Apat or James Nyamwaya should be the President of Kenya. There will be a difference in their minds, but they want someone to be president and another man to be the Member for that constituency.

The point I am making is this, constituency X may have a definite opinion that they want a particular Y to become a member of that constituency. Then they do not want a particular Z to become President of Kenya. The candidate X or Y may like that particular president. Now, people will be confused as to whether to vote on a ticket for the presidency or a ticket for a particular representative. This is why we propose that such parts, although they were amended recently, should be reamended so that people are given the chance to vote separately for the president of the whole Republic and also for the member for that particular constituency. They cannot do otherwise and still make the right choice.

Mr. Speaker, I now come to that part which deals with emergency—

The Speaker (Mr. Slade): I would like to interrupt you for a moment on a matter of order. I said that Mr. Khasakhia had already spoken in this debate. I have checked now. There was a little mistake in the note I had. He spoke on the Motion for adjournment of this debate, but not the debate itself; so he has a right to speak now on the original Motion.

Mr. Agar: Why should the Government think at this particular stage about the days on which the President can declare an emergency without consulting Parliament to be changed from seven days to twenty-one days? This is trebling it, multiplying it by three.

Mr. Speaker, Sir, the Minister who has just sat down, the former Minister for Constitutional Affairs, and who is now out—

An hon. Member: He is present.

Mr. Agar: Mr. Speaker, elementary arithmetic would show the Minister that fourteen days are different from twenty-one days.

I cannot see why a person wants to subject any part of Kenya, whether a district or the whole country, to twenty-one days' emergency

[Mr. Agar] rule, which is quite a long time, instead of seven days, before he seeks the opinion of the elected Members. If something is wrong for Kenya, something that undermines the integrity and the unity of the nation or the security of the nation, the Members and the people will support the Government.

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

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

I do not see how the people of Kenya elect people into this House and then one particular piece of Government happens to be at the top of Government is given twenty-one days to introduce and carry out emergency rule before he consults the whole country through the elected Members of every constituency in the whole country. We say—and we express the genuine desire of the people—that twenty-one days is too much.

Mr. Deputy Speaker, I was arrested and kept in custody for twenty-eight days by the imperialists before I was charged. That was in the days when the imperialists had one reason to keep us shut up: that was, to keep on African Government inactivity. Why should an African Government which claims to cater for African interests seek twenty-one days before receiving the mandate of the people, through the elected representatives? I cannot see, Mr. Deputy Speaker, why this should be so. Many Members have expressed their thoughts that the Constitution is not made in good faith for a particular person ruling, particularly when we refer to Mzee Jomo Kenyatta who has been called the Father of our Nation and who is now in power. We may say that probably he has our faith and our confidence, that we can give him power as Head of State to keep on ruling this country under a state of emergency for twenty-one days. But, Mr. Deputy Speaker, Sir, a person or a group of persons by any indefinite method or plan may come to power in this country at any time. A man is not a god and if we give him power to rule this country for twenty-one days without consulting the representatives democratically elected by the people, that person or group may do harm to this country, irreparable harm that will raise conflict in this country which will never be quashed, like we see in the Congo and elsewhere. That is why we want to request the Government to withdraw this particular part of the Bill and reduce it to fourteen days.

Mr. Deputy Speaker, Sir, the imperialists used to say that the reason why they allowed the law

to give the Governor power to rule this country for a long time under a state of emergency was because they thought the African mentality or level of understanding was low. Does this House or this Government still believe that the African level of understanding is lower on the affairs of this country? I am sure it is not. I am sure if anybody dare say that, he will say that the mentality and level of understanding of all Members of this House are still low. Therefore, this House must be assured that there is no Government that will come up here to rule at its own whim without consulting the representatives of the people from all constituencies.

Mr. Deputy Speaker, Sir, the idea at the back of democracy in old countries like Greece and Rome, people well understood that *vox populi, vox Dei*: that is, the voice of people is the voice of God.

An hon. Member: You are philosophizing.

Mr. Agar: Mr. Deputy Speaker, Sir, I cannot understand why people feel I am joking, but I am saying this, that for all time, at any level of civilization, it has been known that the voice, the opinion, the intellect and the understanding of one man—a man who is not a God—cannot be judged as a guarantor for the freedom of the people. But an idea born by the majority of people in a community, in a country or in a nation is a sufficient guarantee to protect their rights. That is, why, Mr. Deputy Speaker, we say we will never consider any amendment to the Constitution which seeks to give a particular person or a particular office of the Head of State too much power; we have a guarantee only in the people. That guarantee in the people can only be safeguarded and protected by the people elected by them to rule through this House.

Mr. Deputy Speaker, Sir, in conclusion I would say that although Members do not agree, although I hear many running commentaries, when somebody says there is a kind of African democracy, you can do without Parliament in African countries; I cannot agree with them. If any particular leadership, whether it be me or anybody else, has failed to rally the nation behind it, it is its own fault. If somebody feels this House is not patriotic or this House is difficult, it is probably the machinery to guide and control this House that has failed. Therefore, we submit that we will stick to the rights of our people, we will safeguard the rights of our people through the Constitution. We will not give in over those part of the Constitution which deal with the universal, fundamental rights of mankind; we will not surrender them to an office or to a person, at his own whims, because

[The Minister for Economic Planning and Development] a point on which the formula cannot be found merely within the confines of technicalities and arguments of law. Whether or not seven days is enough, is a matter of opinion. For some people it is quite enough. For other people seven days is too long. There is this other opinion which is built on genuine experience. It is built on a genuine approval of the position and of the difficulties that might confront us in meeting this situation. Now, Sir, we are talking not of normal conditions but we are talking of a state of emergency, and the emergency situation quite often, and as such in every case, will require to be met by emergency measures. Not the reasonable normal measure and procedures which you would use in a normal situation.

Now, Sir, I am told that we cannot assume. But, Sir, if you oppose these twenty-one days, are you not assuming something? Are you not assuming that someone might misuse that period? Are you not assuming that the future Government will only require fourteen days? What is wrong in my stating certain assumptions if the hon. Member who opposes those assumptions is also talking from his own assumptions? If, Sir, we were talking about a legal technicality then I doubt whether the hon. Members in front of me, would be the one to argue the legal point. Mr. Speaker, Sir, I do not want to be drawn away from the main subject.

Mr. Khalif: Interjection.

The Minister for Economic Planning and Development (Mr. Mboya): Would you like to say that again?

The Speaker (Mr. Slade): Order! Order! Mr. Khalif. A few interjections are all right, but not a running commentary. You will have your chance to speak.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I will keep to the original subject, despite the attempts of the hon. Member to take me away from it.

Now, Sir, I would like to say quite clearly that the provision of twenty-one days is what the Government, in its consideration of the matter, have found it necessary, bearing in mind that what we are providing for, is not, in effect that Parliament would be convened after twenty-one days. That is not what the Government is asking. What the Government in fact says is that Parliament will be convened within twenty-one days, not after twenty-one days. There is a very big

difference between the two. If we had said after twenty-one days then it would mean that we were trying to get three clear weeks before any action is taken, but if we say within twenty-one days it means that Parliament could be convened in four days, if conditions so permitted it could be convened in ten days, if conditions so permitted it could be convened in fourteen days, but in any case it must be convened, at the latest, by the twenty-first day. That, Sir, is what this provision is meant to see, and it would not be fair to misunderstand the meaning of this. That covers those Members, in such, who may feel that Parliament should be convened earlier than twenty-one days. If someone said that then we would agree with them.

In fact, we do agree that it should be convened earlier than twenty-one days, that is why we say that it should be convened within twenty-one days. But, we are aware that there may be difficult conditions when it might not be possible to convene it within seven days, and so we do not want to find ourselves in a situation in which having said seven days purely for some practical difficulties, legally we have no state of emergency with troops somewhere in an emergency area unable to continue action because technically it is outside and unconstitutional. This is what we are concerned with. I would very gladly agree with the hon. Member for Karachuonyo that we should make it fourteen days, but if it is fourteen days, why not twenty-one days, because I cannot understand the magic in the word "fourteen", because, as I have said, if you say within twenty-one days, it includes fourteen days, and it means that you can convene Parliament within the fourteen days. Nobody is saying, that you convene after twenty-one days. It is within twenty-one days, which includes convening Parliament on the tenth day, or the ninth day, or the eighth day. That is the position.

Now, some Members have said why not amend it to come to fourteen days, I would like to explain one technical problem. If you amend any part of this Bill, you have to throw out the whole Bill, and start all over again. You cannot amend any part of this Bill, except by throwing out the whole Bill. That is a technical and constitutional position which hon. Members, I am sure, appreciate, and I do not believe myself that they really wish to do this.

An hon. Member: Some of us do!

The Minister for Economic Planning and Development (Mr. Mboya): On the contrary, I do not agree. I believe that experience will teach us in due time whether or not twenty-one days

[The Minister for Economic Planning and Development] is adequate, but nobody can say—neither me nor the hon. Members who are against twenty-one days—that by experience in Kenya, twenty-one days is long enough or too long.

Mr. Anyien: On a point of order, in view of the fact that the hon. Minister has been the Minister for Justice, and he knows quite a bit about the Constitution, would I be in order to ask him to move on from the emergency, so that he can move on to the next point to tell us about the Bill, instead of dealing with fourteen days?

The Speaker (Mr. Slade): It is for the hon. Member speaking to choose the time for moving on to the next point, unless he is repeating himself so much that he must move on; but I think the hon. Member has pretty well covered this point.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, if hon. Members were patient enough to listen to what I have to say, without their running commentaries, and questions from behind and in front of me, I would have finished long before now, but if hon. Members are so interested in what I am saying that they want me to answer some of their questions while I am still speaking, I am quite available and will continue until 6.30 p.m.

Mr. Speaker: I cannot leave this matter without the speaker.

The hon. Member for Karachuonyo has just come back, and I deal with this deleting for quite a long time before he came back, and I cannot quite honestly leave this particular point without emphasizing the points which I have made here and those which we have made outside the House, but this is a matter which is not by itself quite capable of discussion merely as a legal technicality. It is a matter in which it is necessary for us quite clearly to decide as a reasonable and logical question of what should be provided in the Constitution, and from the outset, I said that what we wanted to achieve was a reasonable and workable Constitution.

Now, the hon. Members who were here when I started will know that I have already dealt with the question of deleting and the answer to it is very simple. We delete redundant provisions from the Constitution. They are redundant, because after the amendments that have already been passed by Parliament, those provisions do not any longer apply. They relate to certain schedules in the original Constitution which have now been

struck off, and having been struck off, they are no longer necessary.

Sir, the other question is the change in Provincial Councils which some Members raised. The Regional Assemblies become Provincial Councils, and the purpose of this is quite clear. The concept of a region or a federal type Constitution, has been superseded by a unitary type Constitution. Consequently, it is no longer necessary to have the same structure and facilities which were available at the time we had a federal type Constitution. The idea of having a unitary type Constitution is one which this House has accepted, and by voting on previous amendments, it has given Kenya a unitary type Constitution. Hence the need for us to rename the Regional Assemblies to Provincial Councils. With regard to their functions, in some cases they have very large measures of executive powers, and in other cases, a large measure of legislative powers. By virtue of amendments already accepted by these executive powers and legislative powers have now been taken over and lodged with the Kenya Government, consequently, the change in name. Similarly, having changed the name and having taken away the executive and legislative powers, the whole question of committees of the Regional Assemblies have had to be revised.

It is no longer necessary to have high-powered committees at the Regional Assembly level as we had before, because these functions now fall within the portfolio of the different Ministries and Ministers, and they will be handled in the normal way, bearing in mind the priority in each particular Ministry. The decision making and policy making powers now rest with the Ministries, and the Ministries will themselves arrange suitable decentralization, where it is necessary, of these decision making and policy making organs as well as the execution powers of their programmes and decisions. Thus, the whole question of security committees or a law and order committee at the regional level, or an agricultural committee, an education committee, and so on, no longer have the same significance as they had in the Constitution previously.

The Regional Assemblies and the naming of the officials or the officers of the Regional Assemblies. We had seven presidents at the time of the previous Constitution. We cannot continue to have seven presidents because, again, it would be most misleading and the ordinary man in the street would find it very difficult to know which president is being referred to. The President of the Republic, or the president of the Regional Assembly. Consequently, we now have the Provincial Councils headed by chairmen, instead of by presidents.

[The Minister for Economic Planning and Development]

entrenched clauses of the Constitution which still refer to the Governor-General and which must be amended so that the word "President" replaces the words "Governor-General", and similar such technical amendments which clearly must be made. If the entrenched clauses have to have any meaning at all in the Constitution. This is the extent of the nature of the amendments but no citizen and no resident of this country need have any fear in so far as these amendments are concerned, because they will leave intact his rights, the independence of the Judiciary, the guarantees of the Rule of Law, the Citizenship Rights and the Bill of Rights in general.

Now, Sir, the main aspect of the amendments, apart from the consequential and technical amendments, relate to two other important points which it is in the interest of the House and the public that we should explain quite clearly, again because it appeared that there was bound to be some misunderstanding as to the progress and scope of these amendments.

The first one relates to the amendment of the amendment machinery as provided for in the Constitution. This is an amendment which is intended to make the Constitution more logical and reasonable. Every Member will appreciate that when the previous machinery for amending the Constitution introduced it was at a time and under circumstances where it was impossible to get reasonable arrangements accepted. There were fears, there were doubts and there were suspicions, and we ended up with a Constitutional position which was the most rigid in any part of the world; the requirement that any amendment of certain provisions cannot be brought about unless there was seventy-five per cent support in the Lower House and ninety per cent support in the Upper House is the most rigid that has been provided for in any Constitution in the Commonwealth and, indeed, in any Constitution in the world. It amounts to giving the complete say in these matters in the hands of a minority, and in some cases a minority of one or two Members of the Senate being able to veto a popular decision of the people at the polls, and a popular decision of the people given through their representatives in this House and in the Senate itself. Consequently, when we came to amending the Constitution it has been thought necessary that the amending machinery itself should be the subject of an amendment, and it is for these reasons of bringing about a more reasonable and flexible arrangement that it has been found necessary to reduce the percentage in the case of the Lower House from seventy-five per cent to sixty-five and

in the case of the Upper House, that is the Senate from ninety per cent to sixty-five.

These proposals will in effect give Kenya quite a strong, and in many cases rigid Constitution, but it will also ensure that the Constitution, whilst it cannot be tampered with, whilst it cannot be amended at the whim of the Government or the party in power at any time in which it sees fit, it can and should be capable of amendment when the vast majority of the people of this country feel it necessary to do so. This working arrangement, in fact, itself would ensure that the Constitution is more respected and more respected and ensure that it does work for a long time without people feeling that it is an encumbrance on the will of the majority of feeling that it is a burden and they must carry it for the sake of doing so, and without creating the temptation of any Government or party in power trying to outside it, because it is not reasonably easy to deal with it within the democratic processes of Parliament and also of voters in the country at large.

This, Sir, is the purpose of the amendment, and as I said I hope that the explanations which have been made patiently throughout these past few months have helped all the Members now to appreciate the motivation behind the proposed amendment.

The other one which seemed to draw a lot of attention, and on which a lot of comments were made, is that dealing with emergency powers. In the previous Constitution, the provisions were that the state of emergency once declared by the Government, Parliament would be convened within seven days, and it would confirm the state of emergency, and secondly, that the Government would report to Parliament at the end of one month; on the progress of the emergency, and seek further a mandate to continue the emergency. Now the proposed amendment in this particular case, is that, instead of convening Parliament within seven days, it is proposed in the future that Parliament be convened within one day, and instead of reporting within one month, it is proposed that the Government report the progress of the state of emergency within three months.

Now, Mr. Speaker, Sir, this needs explaining and it is important that it is understood so that again we do not create unnecessary fears, suspicions and commotion. The purpose is very clear. Firstly, it must be assumed that the Government of this country, including the Government of the members of this House, including a reasonable Government, and a reasonable Parliament, which is serving the people, elected by the people, and

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representing the people. Now, if the hon. Member from North Eastern Region does not feel confident that he speaks for his people, then, of course, it is very difficult to help him, but I have to assume that every person elected to this House has been given a mandate to speak for his people. That is a very proper assumption, but if the two Members in front of me do not feel that they represent their people any more, then I cannot help them. We will just have to wait until the next election. However, Mr. Speaker, Sir, I am sure that the majority of the Members in this House are confident that they speak for the people who elected them, and that the people who elected all of us expect us to form a reasonable Government.

An hon. Member: What about Moinbo?

The Minister: For Economic Planning and Development (Mr. Mboya): You go there more often than I do, Mr. Speaker, Sir, I just hope that the Members will restrain their interest in Moinbo.

Mr. Speaker, Sir, I am sure that if the hon. Member has anything to say then he has some right to speak, and he might allow me to continue my speech. The point I am making is of vital importance to the nation and to this House, and it is not one on which we want to joke unnecessarily. The point is very clear, that when a Government wishes or sees that there is a need to declare a state of emergency, then there must be a very good reason for it to do so. No Government in its proper mind, no Government that is representing the people, no Government that is a reasonable Government which the people of any country deserve, will go out its way and unnecessarily, and without cause and without good reason declare a state of emergency. Also no Government would wish to continue a state of emergency beyond some reasonable time, bearing in mind only, and I repeat only, the state of emergency in the country for a state of emergency, once declared, creates many problems including psychological problems, including problems of the image of the country outside and inside the country, and any Government that is interested in that image and in the continuation of good relations within the country and outside, which is interested in continuing the development of the country is not going to treat this as a light matter. This Parliament would never allow it. The people of this country would never allow it. For any Government to declare a state of emergency lightly, and if we believe, and I know we all must, that the Government of this country is built on the true and genuine democratic

processes and is elected and is answerable to the people of this country, then we must believe also that it will behave reasonably in these matters. To continue a state of emergency is in itself a very expensive matter, as we already know, and therefore, no Government in its right mind would wish to continue it unnecessarily and without good cause.

Consequently, some of the fears that are expressed, whilst they are understandable, they are not clearly based on anything other than the fear of the future. Indeed, some Members said that they were quite confident that this Government would not do it, but what about the next and the next and the next? Certainly we ought to be interested in what the future Government might do, but even if we are legislating for a future Government we must also have the confidence and faith in people of this country in electing a reasonable Government. If, on the other hand, we are talking about a state of affairs in which everything has broken down, in which there is chaos and there is no democratic Government, then of course, that is not the Government which will work within or for this Constitution, and we might as well be talking about something else. But when we discuss this Constitution, then we discuss it in terms of our own generation, and the future generations, and we discuss it in the hope, and certainly in confidence, that it will be used by future generations and that is why I emphasize that the main consideration in the mind of the Members must be that here we are laying down a Constitution for our country and that it must be in itself a reasonable instrument of Government, but we are not going to assume that Government will want to behave reasonably in order that they use that reasonable instrument.

If, on the other hand, Sir, we are assuming the worst, then, Sir, we might as well give up trying to run the country through a Parliament. The whole idea that we have a Parliament is on the assumption that we all agree to regulate our relations according to a certain laid down procedure and code. If we did not assume that then we would not pass laws here, we might as well say, "what about it if we pass the law and nobody will obey?" But we are assuming that every time we pass a law here that the majority of the people of this country will abide by these laws because they are reasonable laws for reasonable men. This is the only way you can go about laying the foundations for the future of this country; I include women, Sir, in your concern. Now, Sir, this is a very important point; it can be a very sensitive point and it is, unfortunately,

Mr. Lorema: Thank you, Mr. Deputy Speaker.

I rise to air my views about this point because the hon. Members have said something about rejecting this amendment of the Senate, but I do not see that there is anything which is very serious here because if we apply the negative attitude of opposing all the amendments the Senate brings, then there will be a tug-of-war. Here I feel that there is a necessity of putting this amendment in, in that all these people represent various bodies; for example, the Ministry of Education, the Ministry of Labour and Social Services, etc., will have to send their own representatives who, in the same way, will have to speak on behalf of that Ministry.

Here, again, in the Ministry of Education they may appoint a representative who is so sophisticated that he may decide to bring in such books that children at primary level and nursery level will not be able to understand. By bringing these three other people it will be possible to introduce a balance. Now, in the whole debate these people will be able to bring things which can suit them. For example, we may choose somebody, say, a headmaster from a primary school, and this man will introduce his own views which may be neglected by these other people who may be highly qualified, and so on. So, I think it is necessary that we must bring these other three people. We must not merely oppose for the sake of opposing.

The Assistant Minister for Education (Mr. Konchella): Mr. Deputy Speaker, I would like to assure my friend who has just spoken, the hon. Mr. Lorema, that these points have been touched in effect, Sir, before he came into the House. These points were looked into and we found that the list, which is in the Schedule, of the people who are going to represent various Ministries and various departments in the library board are the people who are actually sufficient to make a committee of the board. We are of the opinion that these people will be selected by the departments and the people who are going to represent each Ministry or department understand what a library is. If, for instance, a representative of the city council will be a person who moves about libraries and who can mention a number of things such as books which are suitable for children in a primary school. A representative of the Ministry of Education will understand what sort of books are wanted for secondary education or for adult literacy.

So, the question which was put forward by the hon. Mr. Wariihl saying that the members of the board are going to be selected in a funny way because friends might be called to help members

of the board—I assure him that we would like this library run in an efficient way and, therefore, we do not want anybody who does not know anything about libraries and books. What we would like to see on the board are people who can really represent the library and build it up. I assure him that we are going to look into this matter because we are not going to introduce a library which is not going to continue for a long time. We are going to build a library which will actually be important and which will serve the country.

Mr. Deputy Speaker, I agree with my friend, the hon. Mr. Khasakhalu, when he said that when we get a bigger board there will be a lot of argument and when the bigger board brings a lot of arguments there will be a lot of confusion. So, I think that the people who have been selected to represent departments and Ministries, and also each region who has a representative, will, I think, make quite a big and sufficient board to decide things in the committee.

I think that perhaps the Senate's amendments are not suitable enough to be decided upon.

(Question put and negatived)

(Further amendment read)

THAT paragraph 3 of the Schedule be amended by adding subparagraph (8) as follows:

(8) The board may in its discretion invite any person who is not a member of the board to attend a meeting free to vote at such meeting or meetings.

Mr. Khalif: Although, Mr. Deputy Speaker, I have been opposing most of these amendments I feel that honestly I cannot oppose this amendment. I agree with this amendment. Having rejected the Senate amendment which reads that, "not more than three such other persons as the Minister may in his discretion determine" I feel that it would be unfair on our part to disagree to this amendment. We should not disagree to the addition of this subparagraph because if we disagree with the nomination of the Minister of these other persons, I feel that we should agree that in the discretion of the board any person may be invited, who is not a member, to attend a meeting or meetings of the board but such person shall not have power to vote at such meeting or meetings. Mr. Deputy Speaker, I rejected the first suggestion because I felt that this would be giving the Minister more powers than what he himself deserves. In other words, if we give him power to nominate at his discretion three more members to the board then it will seem as if he could nominate three Governmental members who

[Mr. Khalif]

would normally agree with the principles of the foregoing members of the Government. Now this particular Schedule suggests not that the Minister decide in his own discretion but that the board should at its discretion—where all the members are combined—invite any persons to the meeting, I feel this is quite agreeable and is also in accordance with the principles of democracy which we want to adopt in this country.

I think this is very necessary because there might be persons, experts, or otherwise, who may be of importance to any meeting of the board but who are not members of the board.

The Deputy Speaker (Dr. De Souza): Order, order. I apologize for the interruption but before you continue with your speech, Mr. Khalif, I might as well, officially for the sake of the record, propose the question which is that the House do agree with the Senate in the said amendment.

(Question proposed)

Mr. Khalif: If I may repeat what I have said, Sir, I would like to say that the addition of this subparagraph is very essential for two reasons: one that it does not give any individual, the Minister, any power to nominate his own people or to determine at his discretion the nomination of the members. Here it says that the board may need technical advice from people of that profession and they may not be members of the board. So, it is essential that the board is allowed at its own discretion to invite any persons to attend the meeting or meetings of the board, persons who are not already members of the board.

I would like to support the amendment of the Senate in respect of the addition of this particular subparagraph.

(Question put and negatived)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(The Attorney-General on 24th March 1965)

(Retirement of debate interrupted on 1st April 1965)

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, when the House adjourned last time on this Bill I was speaking, and if I may start off by, perhaps,

recalling some of the points a had made just before we adjourned.

The first point that I made was that the amendments, that is, as a consequence of the amendments already passed by the House it is necessary to weed out of the Constitution some of the redundant provisions that are dead because certain parts of the Constitution have been amended.

There was reference by some Members to precisely some of these clauses at the time of discussion, here in the House and also outside. For example, where some Members complained that there was a lot of reference to delete this, delete that and delete the other, the deletions or the parts of the Constitution which are already dead or which have already been amended by the previous Bills that have been passed by the House. For instance, any part of the Constitution which still refers to Schedule I or any part of Schedule I in the previous Constitution, is automatically dead because Schedule I itself has been deleted from the Constitution by the amendments passed last time in the House. These consequential amendments seem to have quite clearly been misunderstood and misled some Members into thinking that something quite new was being done in amending the Constitution. But, Sir, that is not so, and I hope that this assurance and the discussions we held outside the House in the Parliamentary groups have helped to clear the air. I would like to state quite categorically that the consequential amendments do not go beyond the purpose of bringing the Constitution into line with the amendments as already passed by the House and which are already in operation.

The second point which I made, which I want to repeat and re-emphasize, is that the amendments do not in any way encroach upon some of the fundamental provisions in the Constitution. I refer especially to the Bill of Rights, to the independence of the Judiciary and the rights of the citizens of this country and those people who live in this country. These remain intact and, as provided for in the original Constitution at the time of independence and which were not touched in the amendments that took place in this House previously, it is quite true that at some stages during previous debates the Government stated that amendments which were dealing with the entrenched provisions were not going to be introduced. But it is true that in this particular Bill there are amendments which touch on some of the entrenched clauses of the Constitution. These, as I have said, are technical and consequential in nature. For example, there are

The Speaker (Mr. Slade): I think, Mr. Khalif, you misunderstood the proposed amendment. It is not proposed to interfere with sub-paragraph (d). It is to add another thing. If the Senate's first amendment was made, that paragraph (d) would be deleted, then all the other ones are changed, and what Mr. Khalif is referring to as (g) becomes (f); then the Senate would propose a completely new additional subparagraph (g); but that would now have to be (h), if (d) is not deleted.

Mr. Khalif: Mr. Speaker, Sir, again I am opposed to the proposed additional paragraph to the Bill; I do not feel as if I should really agree with an addition of three persons, as the Minister may, in his discretion determine.

Mr. Speaker, Sir, whether the Government is opposed to this or not, I do not know, but I feel as if when the Bill is laid down, that it is a privilege for one person from each province, I do not know why the Senate should ask for three more persons, as according to the discretion of the Minister it is only giving the Minister more power to undermine the authority of this Chamber, of this House. I feel that if we give the Minister three more chances to determine things, at his discretion, I think this would only make the Minister more dictatorial than the Bill intends him to be.

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

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

Mr. Deputy Speaker, Sir, the Bill in no uncertain terms indicated that from each province, would be represented by one Member. That is enough to indicate nation-wide representation but three more persons, as it is said here very plainly, at the discretion of the Minister, I think gives the Minister more power to become more dictatorial than the Bill originally allowed.

Mr. Deputy Speaker, without repeating myself I would like to submit categorically that it is not the aim of this House to agree with the amendment by the Senate which would make any Minister a dictator.

Mr. Deputy Speaker, Sir, in the committee there are enough members on the Government side to determine the majority vote, if that is asked for, and if three more members would be added on the Government side, then it would mean, that there would not be enough independent members to determine for themselves without the influence of the Government members the way to run the National Library. Mr. Deputy Speaker, Sir, it is not our aim, nor do I think it is the aim of the

Senate, to give enough powers to a Minister, which might as well make him a dictator. Mr. Deputy Speaker, Sir, in Kenya our aim and policy, as far as the Government is concerned, is to be as democratic as it could be, and such an amendment, I think, is not only contrary but completely opposed to the principles of democracy.

In the first place, Mr. Deputy Speaker, for your information, I am completely opposed to any suggestion which will give an individual, whether he is a Minister, an Assistant Minister, or a President, powers to allow him to delegate certain things for himself. Mr. Deputy Speaker, it is for the Bill which is before us in this House to determine the number of members in a committee of the proposed National Library Board, if the Senate, with due respect to the Senate, for the Senate to determine the additional number of nominated members. Mr. Deputy Speaker, I think I would have supported this, because I do not know the motives behind this particular Schedule. If the amendment only indicated that the Senate wanted to have three more members in this Council, in accordance with the votes of this Chamber or of the Senate, then I would not have seen any reason why I should oppose this, but now that it indicates point blank that not more than three such other persons as the Minister may in his discretion determine, I do not see why I should fall a victim to this amendment.

The Deputy Speaker (Dr. De Souza): Please do not repeat yourself, Mr. Khalif.

Mr. Khalif: No, Mr. Deputy Speaker, I am trying my best not to repeat myself. In any case, Mr. Deputy Speaker, so as to refrain from any disagreement, either with the Members or with the Chair, I oppose very strongly and vehemently this particular amendment to the Schedule.

Mr. Godla: Mr. Deputy Speaker, I do feel that when the Senate is discussing such an important Bill, it should be possible for the Attorney-General to attend so that he may give an explanation on points which they do not understand, instead of their proposing amendments which we cannot accept, because I feel that this is one way in which this House and the Senate cannot agree, for if they keep on making amendments to Bills for which they are quite straightforward, it will mean which to us are quite straightforward, it will mean that either the Senate or this House will be the law-making body. Therefore, Mr. Deputy Speaker, I suggest that in future it ought to be possible for the Attorney-General or someone from his Ministry to attend the proceedings of the Senate where important Bills like this are being discussed, in order to give a full explanation to the Members of the Senate, so that they do not make a mistake

[Mr. Godla] Therefore, I beg to oppose the amendment. We are not going to support the amendment. Mr. Deputy Speaker, and I think already the number provided by the Constitution, the number of the members of the board, is quite sufficient. It is, therefore, not necessary to add three more. Therefore, I oppose the Senate amendments.

Mr. Warilith: Mr. Deputy Speaker, Sir, I rise to support the amendment proposed by the Senate.

My reasons are these. If you go through the list of the members of the board, you find that the people to be on this board are all representatives of various Ministries or departments, and the Minister as a person or the Government as such is not given a chance of nominating certain persons who, because of merit, because of their ability, because of their training, could be useful to this board. The reason why I feel that the Minister should be given an opportunity to select these three more people is that there could be some people in the country who are not in any of the departments mentioned in the Schedule and may be required for the sake of guiding the nation, as to the way the Library should be built, expanded, and who may assist with their training. But now under Schedule, we only have, as I said earlier, representatives of various departments, and I think it is not really necessary always to feel that if a Minister is given powers to select certain people, he is going to nominate his own friends. The man to be on such a board must be a man of merit, he must be somebody who has something extra, something which cannot be had from somebody from the Ministry of Labour and Social Services or Local Government or Education. Despite the fact that some other Members feel that the Senate have tried to expand the number of this board, the present number is seen and when we accept this amendment it will be ten which, I feel, is quite reasonable.

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

The Minister for Education (Mr. Koinange): Mr. Deputy Speaker, I just want to make one point. Under (g) it says, "a representative from each region", and since this Bill was amended it means there are more people selected, as the previous speaker has said, from each region, and the board will have more than the number stated here, because of the representatives of the regions. Therefore, to add more people over and above those representatives from the regions would make the board too large. So the hon. Member's point of view is well taken, because of the number of members from each region who will be selected on the basis of merit.

Therefore, I beg to oppose the amendment.

Mr. Khasakhalu: Mr. Deputy Speaker, Sir, once more I still do not see the need for an increase of three. Here we already have thirteen members and these thirteen members representing a board should be quite adequate. Supposing the Minister decides to have a chairman from outside, it then would mean that we are going to have fourteen members in all because already six members have been appointed by various Ministries and educational institutes, and the city council, plus one member from the British Council, and then seven members—if I take it that we have seven provinces—and the total comes to thirteen members. Knowing that the Government has a collective responsibility, I do not see the need for other members to represent various Ministries because already the Ministries which are involved in public activities, such as the Ministry of Labour and Social Services, the Ministry of Local Government and the Ministry of Education, are represented. Those are the three Ministries which are actively engaged in public affairs. To add three more members would make the figure very awkward; there would be seventeen. A board of seventeen cannot decide on a book; it is, it is very, very difficult. Knowing how difficult it is to make selections of library books, I do not think we even need all these thirteen members. The board should have about five members only to go into the details of books which are required by a library, and this figure being already so big, Mr. Deputy Speaker, I could not accept the Senate's amendment.

Just as my colleague said a few minutes ago, I think the Senate should also take time to read our HANSARD, to know exactly what we speak on these points, because when the Minister replies to them, he gives the reasons why the representation, for example, is the figure we have here. If they just get the Bill and start afresh as though we have not considered the Bill here, it then misinterprets that we in the House of Representatives do not go deeper into these Bills, whereas the same matters which they might have raised in the amendment might have come to this House and the Minister might have replied during his speech, but because they do not go through these speeches, they start afresh and bring amendments on matters which we have already dealt with.

Therefore, Mr. Deputy Speaker, I feel that this amendment is not accepted and I oppose it.

Mr. Khalif: On a point of order, Mr. Deputy Speaker, after having fully discussed this matter, could I ask for the question to be put?

The Deputy Speaker (Dr. De Souza): I will give Mr. Lorema a chance to speak.

[The Assistant Minister for Finance] to have these representatives for consultations at meetings. It seems to me that it is quite against our principle to single out the British Council as a representative of a member of the board, while being a foreign member because, after all, we might be getting aid for this from other countries; we might get it from the United States of America, we might get it from the U.S.S.R., or any other place and these people might say also, "If it is a practice, if we establish a precedent then whoever gives us money has the right to be represented on the board." They would also require that they have their members on this library board which would not correspond to our independent position, so I agree with the Senate's suggestion on this that if we want to use the know-how that a member coming from the British Council might have, we can use this through the powers of co-opting the members.

Mr. Speaker, I do support the amendment proposed by the Senate.

Mr. Khalif: Mr. Speaker, Sir, here there is a misunderstanding. I think, of course, as far as the Minister is concerned, we have been told point blank that the British Government provides a large sum for the upkeep of the library and, therefore, the British Council should have a member on the committee. I feel, Sir, that when one undertakes to pay a large sum of money for any particular thing, that one should at least have a representative. For example, now that the British Council is paying a large sum for the upkeep of this national library, I should think that the British Council has the right, or at least we should consider it as a right, of having at least one member on this committee. As a matter of fact, one is not encouraged to assist financially when one is deprived of representation. This is purely for interest sake. If we in Kenya do agree that the Russians, for that matter, assist us in anything, say, for example, the Lumumba Institute, I should think it would be logical, for the Russians to have at least the privilege of having their own representatives as they have now, or some thing of that sort. It is a matter of diplomacy, Mr. Speaker. The British Government would rather not agree to assist, such a project in Kenya when they are not represented on the committee. For example, the British Government would not assist a project in Kenya when the Russians, or for that matter the Americans, are represented on that committee when they are themselves deprived of representation.

Mr. Speaker, therefore, I do not know why this House should accept the amendment of the

Senate because, logically, I do not think it holds water. It does not hold water as far as I am concerned and therefore I completely oppose such an amendment.

Mr. Speaker, Sir, I should think that the Members of the Senate who opposed the representation of the British Council on this committee either thought that the principles of neutrality, the principles of non-alignment, would not be helped if the British Council were a member or was allowed to participate in this committee. I do not think that this is logical at all because even though we hold our principles of non-alignment, the fact that any nation, any foreign nation, reports or aids financially any project in particular in Kenya, would render it necessary to have its own representation in that particular project.

Therefore, Mr. Speaker, I would like to oppose the amendment of the Senate.

The Minister for Education (Mr. Koinange): Mr. Speaker, in passing this amendment, I want to say that actually taking in the representative of this council has not only a financial advantage over us, but also the ability for us to get more books from overseas, particularly from Britain, because in Britain you find that so many books relating to Africa are published there as well as in other countries.

Now, when this House agreed unanimously to the original representative from the British Council, they knew this advantage, and even when we have Independence Day, one representative from the council of more than eleven cannot be capable of bringing the old type of colonialism or anything of that kind, at a time when today, we are more or less more friendly. We have taken a different friendly attitude to the British Government, and since we are independent, one man as a representative is no danger to us. Therefore, I oppose.

Mr. Kamau: Mr. Speaker, Sir, I think this point is very simple. It is well known that at the moment we are a free country where we are, although we were being ruled by the British people, it does not mean that as soon as we achieved our independence, we created enemies of them. At the moment, Mr. Speaker, every Member will agree with me that even today we are still asking the British Government, and I do friends, to supply us with technicians, and I do not see any wrong with having a representative in this board who will make sure that all the generosity—the British Government has extended to us, either in kind or in money, is being used according to our requirements. Being this board,

Mr. Kamau: It does not mean that we can bring the colonialism the other way round.

Therefore, Mr. Speaker, Sir, it is high time we should discuss that wherever we have representatives from either country in any of our boards who have any interest of our doings at heart, it should be displayed to the world how efficient the Kenya Government is. Therefore, Mr. Speaker, Sir, I have no doubt that all the hon. Members will understand this, because it is said that the board shall consist of the following Members appointed by the Minister. The Minister for the time being, I think, shall be the Minister who has the country at heart, and we will always know that the person he nominates to be on that board is a man who also has the interests of the country at heart, and I do not see any reason why we should say that we should not have a representative from the British people.

Therefore, Mr. Speaker, Sir, I entirely oppose the amendment.

Mr. Khasakhata: Mr. Speaker, Sir, I do not understand the reasons why the Senate has agreed with this clause, because by having a representative from the British Council, it is to our own advantage simply because they will know where we can buy these books, and where particular books are printed. If we have someone who does not know, it would then require our sending a representative to the United Kingdom to go and negotiate with a particular book or (particular books) we want in our library.

I strongly feel that this amendment is very unnecessary, and I would oppose it, simply because it is cheaper to get books from a person within the board who sits there, and from his own experience, being a native of the country that brings these books, can assist us in the way of ordering the books, or advising the board on how they can get a particular book that they require to add to their library. Someone said that perhaps if we have a British representative, the Russians might also demand a representative. I do not know how many books we shall require from Russia in our library, if any, because we do not read the Russian language here, and most of the books they have in their country, from what I understand, are always obtained from English speaking countries.

Therefore, I do not see where that need arises. I strongly would recommend to my hon. Members that the Senate's amendment should not be accepted by this House. We should pass the Bill as we had passed it before.

Therefore, I oppose the amendment.

Mr. Godia: Mr. Speaker, Sir, I think we should expect an explanation from the Senate when they make such an amendment, because we want to understand on what they base their amendment.

In clause 2, the Senate recommends that the word 'Minister' be deleted, but they do not consider other clauses where the word 'Minister' appears, and therefore, Mr. Speaker, I cannot see the reasons for deleting 'Minister' in one clause and leaving it in the other clauses. Therefore, I think regarding the elimination of a representative from the British Council, that representative would do no harm to the board. It would, in fact, be in an advisory capacity to the board on whatever books the board wanted to buy.

Therefore, I feel, Mr. Speaker, that the Senate amendment is unwarranted, and I think we must reject it. In future we should urge them to give an explanation for such amendments, because this appears to be a waste of our time.

The Speaker (Mr. Slado): I must point out that they are not required by their Standing Orders, or by ours, to give a reason for any amendment they propose. In fact, if hon. Members are interested in the reasons given by the Senate for any amendment that they propose, and certainly hon. Members should be interested, you will find it all in the HANSSARD report of the Senate. We must not blame the Senate for not having told us something if we do not take the trouble to read their HANSSARD.

Mr. Khalif: On a point of order, Mr. Speaker, I wonder if I am right to call upon the Mover to reply now?

The Speaker (Mr. Slado): I do not think there is very much more to be said on this point, so the House can consider that question. The question is not actually that the Mover be called upon to reply, but that the question be now put.

(Question put and agreed to)

(Question that the Senate amendments be now agreed, put and negatived)

(Further amendment read)

Schedule

(i) Adding subparagraph (h) as follows:—

(h) not more than three such other persons as the Minister may in his discretion determine.

Mr. Khalif: Mr. Speaker, Sir, I would like always to respect the amendments of the Senate, but I feel as if in this particular case I have to disagree. That particular paragraph wants representatives from each province. Only three would be disagreed to as far as this is concerned.

Mr. Speaker, Sir—

BILLS

First Reading

THE LANDLORD AND TENANT (SHOPS, HOTELS
AND CATERING ESTABLISHMENTS) BILL

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

THE CUSTOMS AND EXCISE TARIFF (AMENDMENT)
BILL

The Speaker (Mr. Slade): I must point out to hon. Members that this Bill has been amended by Gazette Notice, which makes in the original publication the amendments notified, by an addendum to the Order Paper today. So, hon. Members will please realize that the Bill which is now receiving its First Reading, is the Bill as so amended.

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

THE TRADE DISPUTES BILL

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Mr. Slade) took the Chair]

THE BROADCAST RECEIVING (LICENSING) BILL

(Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14, 15, 16 and 17 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of The Broadcast Receiving (Licensing) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Report and Third Reading

THE BROADCAST RECEIVING (LICENSING) BILL

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I beg to report that a Committee of the Whole House has considered The Broadcast Receiving (Licensing) Bill and approved the same without amendment.

The Speaker (Mr. Slade): I will call upon you to move that the House doth agree with the Committee in the said Report.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I am very pleased in the way in which the House has treated this Bill, and I wish now to move the Bill be now read the Third Time. Since there are no comments, Mr. Speaker, Sir, I would not like to take the time of the House unnecessarily. Thank you.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

(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)

(Consideration of Senate amendments)

THE KENYA NATIONAL LIBRARY SERVICE BOARD
BILL

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I beg to move that this amendment be now considered.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

QUORUM

Mr. Komora: Mr. Speaker, Sir, on a point of order, do we have a quorum in this House.

The Speaker (Mr. Slade): No, we do not have a quorum. Ring the Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum. I had just proposed the question that the Senate amendments of the Kenya National Library Service Board Bill be now considered.

(Question that the Senate amendment be now considered put and agreed to)

(Amendment read)

Clause 2

That clause 2 of the Bill be amended by deleting the definition of the word "Minister" thereof.

(Question of the amendment proposed)

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I would like to support the resolution because of the fact that since this Bill was laid, the department officer for the Library is now under the Ministry of Education; if it is deleted perhaps it will be suitable in that it will perhaps bear the interpretation that that Minister is responsible.

(Clause 2 as amended agreed to)

(Further amendment read)

That Schedule Paragraph 1 (f) of the Bill be amended by—

(i) deleting (d) and renumbering (e), (f) and (g) as (d), (e) and (f).

(ii) adding sub-paragraph (g) as follows—

"(g) not more than three such other persons as the Minister may in his discretion determine."

(Question of the amendment proposed)

The Speaker (Mr. Slade): Mr. Koinange, do you wish to comment on this?

The Attorney-General (Mr. Njonjo): I have some difficulty about the suggested amendment because clause 2 in the Act says "the Minister means the Minister for the time being responsible for social services".

The Speaker (Mr. Slade): We have dealt with that one.

The Attorney-General (Mr. Njonjo): Oh, it is the Schedule now.

The Speaker (Mr. Slade): We have agreed with it. It is the amendment of the Schedule now which you see on the notice attached to the Order Paper.

The Attorney-General (Mr. Njonjo): The Schedule paragraph 1 (f) that the Bill be amended by (i) deleting (d), a representative of the British Council?

The Speaker (Mr. Slade): Yes.

The Attorney-General (Mr. Njonjo): When this Bill, Mr. Speaker, was being debated in this House, the Minister representative of the Ministry did say that the purpose of including the British Council representative in this body was because they have technical knowledge and useful information and also run a library here which might be useful to us. I personally, Mr. Speaker, do not see the purpose of the amendment. They will be very useful representatives in this body and I beg to oppose the amendment.

The Speaker (Mr. Slade): I think perhaps we had better take that amendment by itself. The Clerk did read out two amendments of paragraph 1 (f) of the Schedule and I proposed the question with regard to both of those amendments. I see that they are separate, so I will propose again the question.

(Question of the first amendment proposed)

Mr. Mbogobi: Mr. Speaker, Sir, though the Attorney-General has just decided to oppose this one, I think if he looks at paragraph 3 of the Schedule, (b) at the bottom of the amendments, he will find that this allows for somebody else to attend the board who is not a member of the board if the board agrees, and if that is the case and we allow it to go through as amended, this would allow the British adviser to attend in that capacity with the Minister's consent.

The Assistant Minister for Finance (Mr. Okello-Odongo): Mr. Speaker, I did say something about this particular paragraph when the Bill was being discussed in the House and I questioned the principle of having the British Council represented on the board. The Attorney-General gave a reason, but since then I have also spoken with the previous Minister for Education who was there when this matter came up and he told me that one of the main reasons why the British Council was represented on the board was because they gave quite a big portion of the money.

Mr. Speaker, Sir, I know that this has been the practice in some of the boards we have which are economic boards, but these boards generally have to do with the disbursements of funds which these people have contributed to the various organizations. In this particular case, it seems to me that it will not be really necessary because it is to do with the allocation of organization and it is not a commercial enterprise. There will be no need at all to have anybody who has contributed on the board, then, since the board has powers to co-opt members, the board could use these powers

The Speaker (Mr. Slade): Yes, it will be in order to do that. Mr. Khalif, provided you remember my warning that you will not be able to criticize the conduct of an inquest in an adjournment debate. It can only be done by substantive Motion.

Before we move on, I would remind hon. Members of one of our Standing Orders, that questions cannot be asked as to the accuracy of newspaper reports, unless they are reports of what has been said by a Minister or a representative of the Government, and then inquiring whether or not he said it.

NOTICE OF MOTION FOR THE ADJOURNMENT

BRIDGES LINKING NORTH AND SOUTH TURKANA

The Speaker (Mr. Slade): I would like to remind hon. Members that today Mr. Kuruumban is to raise on adjournment the matter noted on the Order Paper.

I have received notice from Mr. Ekiella of his desire to raise on adjournment the matter of bridges in Turkana which first appeared in the nature of a question. I have arranged for this matter to be raised on adjournment at the interruption of business tomorrow.

Now I think Mr. Malinda has a personal statement to make.

PERSONAL STATEMENT

ABSENCE OF MOVER TO MOVE MOTION

Mr. Malinda: Mr. Speaker, Sir, I should like to make a Personal Statement to this House, and to give reasons why I was absent when the Motion, of which I had given notice, was called on Friday, 2nd April 1965.

In view of the importance and seriousness of the Motion, I felt duty-bound to collect all extra and necessary information required to substantiate it. This was to be collected from various people who were scattered all over the town, and I had hoped that by 9 o'clock that morning, the essential part of the information would be in my possession. As the information was not ready by 9.30 a.m., I had to rush out to get it. This took more time than I had expected and, as soon as the extra information was received, I was back in Parliament.

I took some trouble, however, that morning while I was out collecting the required facts, to find out how far the first Motion had gone. I learned that my Motion had been called and, the House finding that I was out, had proceeded to discuss it as a matter of national importance. My intention was, however, to come and move it as

a substantive Motion. At this stage, Sir, I concluded that I should concentrate on getting all the extra facts which I had gone out for, and further thought, rightly or wrongly, that it would have been out of order for me to interrupt the House by coming in and moving the Motion, when the House had gone so far with the matter.

It was important that these extra facts should be in my possession, because other facts which I had would have inevitably been ruled out of order as being *sub judice*. There was no question of running away or trying to abdicate my responsibilities in moving the Motion. If, however, this was the impression of the House, I must apologize to the Members for having given that view, and I wish to state here quite categorically that, what I have said, in my view, was both in good faith and in the best interests and well-being of the Kenya nation as a whole, and I am still prepared to move the Motion on Friday, the 23rd of this month, if you, Mr. Speaker, Sir, will allow this to be done.

The Speaker (Mr. Slade): Hon. Members have heard and doubtless will accept that apology from Mr. Malinda and his reasons for not being here to move his Motion. He failed, as he says, because of a miscalculation of time and in such circumstances the Motion cannot come on the Order Paper again unless I think that it should. I must have good reason for allowing the Motion to come up again once the Mover has failed to move it. But in a Motion which has excited so much interest, I have to consider carefully the interests of the House and the feeling of hon. Members apart from the conduct of the individual Member concerned. The position now is that I do not quite know the feeling of the House; I would like to be sure that if I do allow this to come on the Order Paper next Friday it is the desire of the majority of the House that I should do so and I shall therefore take another twenty-four hours to get a clear idea of the feeling of the House before I make my decision.

Mr. Anyleni: On a point of order, Mr. Speaker, though this matter has lasted for about three weeks and so far the Government has succeeded in stamping—

The Speaker (Mr. Slade): Are you on a point of order?

Mr. Anyleni: Yes, Mr. Speaker.

So far the Government has succeeded in stamping out any possibility of a *coup d'état* to overthrow the Government. I do not know whether it would be in order in asking that all business be suspended in view of the fact that hon. Member has had three weeks to find the necessary information, so that this matter can be discussed today.

[Mr. Anyleni]

This matter is creating a lot of rumours in the country, rumours which are not favourable to Kenya either internally or externally. So, we should suspend all other business, Mr. Speaker, and discuss just this particular issue.

The Speaker (Mr. Slade): This matter cannot be discussed until I allow it to come on the Order Paper. I am not ready to decide this for another twenty-four hours, and so it will not be discussed any more today.

Mr. Khalif: On a point of order, Mr. Speaker, following your ruling, is there no Standing Order which would allow an hon. Member to move anything in question to be discussed any day in particular?

The Speaker (Mr. Slade): I have given my ruling.

We will now move on to the next Order.

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, is there no procedure for a Member to refer to the Speaker when a Member is to be absent to collect information on a serious Motion like the one now under discussion, so that the Speaker is in a position to tell the House what the situation is. Such an incident may be repeated to the disadvantage of the Members in this House and the public.

The Speaker (Mr. Slade): I do not want to follow up the subject much more, on this question of what happened on that day, but I would advise hon. Members that if they see any danger of their not being here at the time when their Motion is due to be called, or if they decide after all that they do not want to be here, then they are well advised to warn the Speaker, who will do his best to help them and put them at ease with the House.

MOTION

REDUCTION IN BILL PUBLICATION PERIOD: THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I beg to move:—

THAT this House agrees that the period of the publication of the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill (Bill No. 62) be reduced from fourteen days to eleven days.

Mr. Speaker, Sir, this Bill was published on the 9th of this month, and the reason for this

Motion, which is fairly procedural, is to enable the House to debate this very, very important Motion and to give it, say, a sort of priority position in the debate that will take place in the next two weeks. If we had waited until the fourteen days are over other things would be debated before it and perhaps we may not reach debating this particular Bill. It is only a matter of three days, from fourteen days to eleven days, and, as I said, the reason for this Motion is purely procedural. It is to make sure that this Bill will actually be debated during the two weeks that we are going to be here.

I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

Mr. Masinde: Mr. Speaker, I do not have much to say on this Motion. I support the Motion because the Bill took a long time to be drafted; we do not know why such things are being delayed in this way. I support the Minister because it is very necessary that we get this Bill through so that some of the problems which have been outstanding because of this Bill can be introduced.

With this, Sir, I beg to support.

Mr. Shikuku: Mr. Speaker, Sir, I am of the same view as the two speakers who spoke before me. I hope that when the Minister comes to speak he will tell this House in no uncertain terms the reasons as to why this Bill was so delayed. We would also like to know whether it will be possible to try and pay back the heavy sums of money paid by the tenants all this time while the Bill was being drafted.

I support very strongly that this Bill should come here as soon as possible and, therefore, I beg to support.

The Speaker (Mr. Slade): If no other Member wishes to speak, I will call on the Mover to reply.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, I am very happy that I have been allowed to have this Motion approved and I want to say that I shall be ready to answer some of the problems which are worrying the hon. Members, as why this Bill was not introduced into the House earlier.

Sir, I beg to move.

(Question put and agreed to)

Question No. 2020

ACTION AGAINST GENERAL SERVICE UNIT MEN

Mr. Khalif asked the Attorney-General what legal action had been taken against the men of the General Service Unit who had been found guilty by an Inquest Court in Nairobi early this year of deliberately killing seven loyal Somalis in Wajir last year.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. This unfortunate and regrettable incident, to which the hon. Member is referring, started with a Somali stabbing and murdering a General Service Unit soldier in an attempt to rob him of his rifle. In the ensuing confusion, eight people were killed. Although at the Inquest which I directed, twenty-eight witnesses gave evidence, the Senior Resident Magistrate was unable to say which particular individuals of the General Service Unit had been implicated in the killing. In the circumstances, I hope that the hon. Member will understand that it would be futile to institute a prosecution against persons unknown.

Mr. Khalif: Mr. Speaker, Sir, before I ask this question, I would like to raise a point of order as to whether I would be allowed to ask four supplementary questions?

The Speaker (Mr. Slade): I should not think so, but ask one at a time and see how you get on.

Mr. Khalif: Mr. Speaker, Sir, the first question is whether the Attorney-General is aware that the entire number of people who were sent to the Court of Inquest, I mean as far as the General Service Unit man was concerned, were all regarded as having deliberately killed seven loyal Somalis in Wajir? That is my first question.

Mr. Njonjo: Mr. Speaker, I want to say this, and very seriously. I have already said that the proper investigations were carried out by the police and when I received the file I directed an inquest to be held to find out who the culprits were. The hon. Member here should realize this as he, personally, had a case not very long ago and an enquiry was conducted and because there was not sufficient evidence to go to trial, the case was withdrawn. The same thing happened in this case, there was no person who could have been pointed out as the person who had killed another person.

The Speaker (Mr. Slade): I shall not allow any more supplementary question criticizing the conduct of this inquest or any other judicial proceedings. If hon. Members want to do that, they must do it by way of substantive Motion.

Mr. Anyien: On a point of order, Mr. Speaker, the question talks of people who were found by the inquest court in Nairobi early this year to have deliberately killed; that is the result of the inquest. Is the question assuming that the inquest found the General Service Unit people to have killed these people for nothing, or is the Attorney-General now saying that the question as it is worded is completely untrue?

The Speaker (Mr. Slade): I think the Attorney-General has made the position quite clear; that no particular individuals were found by the inquest to have done this deed.

Mr. Khalif: On a point of order, Mr. Speaker, is it for the Chair to assume the conclusions of members of the Government, or is it for the questioner to prove beyond all reasonable doubt that what the Attorney-General said was false?

The Speaker (Mr. Slade): No, it is not for anybody to prove anything at question time, except Government in support of what it says by way of answer. I have said on other occasions that if a Minister can be proved to have given a false answer to this House, then he will come and acknowledge that fact to this House on a later occasion, or Mr. Speaker must be informed of the circumstances. But when it comes to criticisms of the conduct of an inquest, we have special rules—very strict—that they can only be levelled by way of substantive Motion.

Mr. Khalif: On a point of order, Mr. Speaker, arising from your ruling, I should have thought that allowing some supplementary questions on this would have given me the opportunity of showing how wrong the Attorney-General is.

The Speaker (Mr. Slade): I do not understand what you mean, Mr. Khalif.

Mr. Khalif: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): No, I think that there have been enough points of order on this issue.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Speaker, is it in order for an hon. Member of this House to impute wrong motives on the Chair?

The Speaker (Mr. Slade): No, that is another thing which can only be done by substantive Motion.

Mr. Khalif: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): No. Here you are another supplementary question?

Mr. Khalif: Will you allow me?

The Speaker (Mr. Slade): You may ask it now.

Mr. Khalif: Mr. Speaker, Sir, is the Attorney-General aware that the inquest court ruled that the men of that particular platoon of the General Service Unit deliberately killed these loyal Somalis, and if so, what is he doing in his capacity as Attorney-General of Kenya to prosecute these people according to law? Answer that.

Mr. Njonjo: Mr. Speaker, might I preface my answer by saying this. I know the hon. Member who has been asking these questions was involved in a car accident. As a result of that car accident, somebody was killed, but because of lack of sufficient evidence, the hon. Member was not prosecuted. The result of this inquest was that I am going to read the result of the inquest now—the Senior Resident Magistrate found that—

Mr. Anyien: On a point of order, Mr. Speaker, the Attorney-General is saying that the hon. Member did some crime and he was not prosecuted because of lack of sufficient evidence?

The Speaker (Mr. Slade): Order, order. Will you keep silent while I am answering a point of order.

What I understood the Attorney-General to say was that Mr. Khalif had been involved in an accident and there was no prosecution. I think it was unnecessary for the Attorney-General to refer to that case at all, but it was not actually out of order.

Mr. Njonjo: Mr. Speaker, the findings of the Senior Resident Magistrate were as follows.

The Senior Resident found that (a) one General Service Unit man had been murdered, that (b) the killing of his murderers was justified and that (c) six other civilians were murdered by persons unknown.

Mr. Khalif: Mr. Speaker, Sir, arising from the reading of the court's finding of this inquest, would the Attorney-General not agree with me that—Wait a minute.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member in order to speak with emotion and, above all, not to refer to the Chair?

The Speaker (Mr. Slade): I think the hon. Member knows he must address the Chair, especially when heated.

Mr. Khalif: I beg your pardon, Mr. Speaker. Mr. Speaker, is the Attorney-General not aware that, notwithstanding the findings of the court which he read to us, according to the newspapers—although I was not in this inquest court—the

findings of the court were that the men of the General Service Unit deliberately killed six loyal Somalis?

Mr. Kall: On a point of order, Mr. Speaker, I wonder whether the Member is questioning the findings which have been read or he is referring to a different finding of the inquest?

Mr. Njonjo: Mr. Speaker, I am not reporting to this hon. House what has been written in the Press, I am informing this House of what was said by witnesses in a court of law. As I have already said, the magistrate's finding was that these people were killed by persons unknown and I wonder if the hon. Member can tell me who this culprit was. Every member of the public was entitled to give evidence at the inquest, so if he knew the culprit why did he not go to the inquest and give evidence?

Mr. Ogle: Mr. Speaker, during the judicial inquiry which followed, it was established that a police sergeant—in this case, in the General Service Unit—fired more than thirty rounds of ammunition from his sten gun directed at fleeing Somalis. So will the Attorney-General agree with me that we should get hold of this sergeant, charge him and make him mention the real?

Mr. Njonjo: Mr. Speaker, I fail to understand how I can make this clear, but I have said—and I am going to repeat it—that when the witnesses gave evidence in court, none of them could identify the person who is alleged to have fired the six shots. I have read the report, I have read the newspapers, I have read the file, and I have also interviewed the inquiry, the Deputy Public Prosecutor, No soldier admitted or confessed that he was the one who fired the shots.

Mr. Tannu: On a point of order, Mr. Speaker, in view of the fact that this question has confused us a great deal, would I be in order to ask the Attorney-General to ask the court to submit this report of what the witnesses said, so that we may study it?

The Speaker (Mr. Slade): Yes, it would be in order for you to do it, but not to raise it as a point of order.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 2020: ACTION AGAINST GENERAL SERVICE UNIT MEN

Mr. Khalif: On a point of order, Mr. Speaker, assuming that you are closing this question, may I be allowed to bring this matter on an adjournment, so that I can tell all these Members the truth?

Mr. Ayodo: Thank you, Mr. Speaker.

As far as I am aware, my game warden and game scouts are not arresting people in the Lambe area unreasonably. Only those found with sticks used normally for hunting and with spears, are arrested and stopped for questioning.

Mr. Muruli: Mr. Speaker, Sir, does the Minister not agree with me that since this question was brought up in 1964, his Ministry has done nothing besides drawing up plans?

Mr. Ayodo: I do not agree, because I have just said that we are starting, at the beginning of the new financial year, to increase staff and the re-organization I referred to. Perhaps he did not pay attention when I was replying.

Mr. Tanui: Mr. Speaker, Sir, can the Minister tell us what plans he has made for Baringo District; because we have not seen a scout or a game warden there?

Mr. Ayodo: Mr. Speaker, perhaps I had better explain a little what plans we have in mind.

At the beginning of the next financial year, we propose to open four divisional game headquarters, and these will be at Maralal, Nanyuki, Kilifi and Ngong. These divisional headquarters will have game stations under them, and Baringo will be taken care of.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 2011:
CONTROL OF WILDLIFE OUTSIDE
NATIONAL PARKS AND GAME RESERVES

Mr. Khalif: On a point of order, Mr. Speaker, in view of the fact that I consider the answers that were given to this question were very unsatisfactory, I would like to raise this matter on an Adjournment.

Mr. Ngala-Abok: Mr. Speaker, am I in order to pursue the Minister because the House would be interested to know whether there is any difference between the ordinary club which the farmers use and that used for hunting.

The Speaker (Mr. Slade): That is certainly not in order.

ORAL ANSWERS TO QUESTIONS

Question No. 1019

MARKETING OF KENYA'S PRODUCTS

The Speaker (Mr. Slade): I have to inform hon. Members that the next question should not have appeared on the Order Paper today. It should have been addressed to the Minister for

Agriculture and as he is not quite ready to answer it, we will leave it until tomorrow.

Mr. Anyleni: On a point of order, Mr. Speaker, are you deferring this question because the Minister for Co-operatives and Marketing does not deal with any crops which are exported from Kenya?

The Speaker (Mr. Slade): It has been decided by Government that the appropriate Minister to answer this is the Minister for Agriculture and it is not for me to rule.

Mr. armp Too: Mr. Speaker, Sir, on a point of order: You will remember that I asked a question last session to the Vice-President's Office and found later on that it was answered by the Minister for Economic Planning and Development. I do not, therefore see the reason why this Minister who was asked this question should not answer it.

The Speaker (Mr. Slade): You must leave it to Government to decide among themselves which Minister should be regarded as responsible for a particular matter raised by a question, and accept that that Minister answers it. What this House wants is an answer from Government.

Mr. Anyleni: On a point of order, Mr. Speaker, we know that the Minister for Co-operatives and Marketing also has something to do with the exporting of our crops. Now is it in order for Government to fall in supplying a reply at the required time and give the excuse of the actual Minister: not being present in view of the fact that there are Assistant Ministers and Permanent Secretaries to give the replies, and who are supposed to reply when the actual Minister is not present?

The Speaker (Mr. Slade): This is a case of a Minister not being ready to answer. The Question has only just become due, and Mr. Malinda is perfectly happy for it to be answered tomorrow, and I do not see why the House should not be happy about it, too.

Question No. 1057

ADDITIONAL LOANS FOR COTTON GROWERS

Mr. Ngala-Abok asked the Minister for Co-operatives and Marketing whether he would consider as a matter of urgency the need for issuing additional loans to cotton growers for weeding and picking, as the present loans were not enough.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, on behalf of my

[The Minister for Commerce and Industry] and picking cotton, and I have said, no, Sir, we want to increase the acreage for cultivation of cotton. I beg to reply.

No, Sir, in the spirit of self-help, cotton growers in Kenya are at present able to cope with weeding and picking their crops. Besides, the purpose of loans is to help the growers to raise the average cotton acreage and by use of the revolving fund we wish, at least, to double the acreage now under cotton. The assistance, which is a pilot scheme in its first year of operation, is intended for ploughing and for insecticides.

The sum of money which the Government has authorized to the Cotton Lint and Seed Marketing Board to make available for cultivation loans in the current cotton crop season is £100,000. This sum is already fully committed and a major portion of it has already been delivered and allocated to individuals. But the Government is looking into the possibility of making still more funds available in the next year's season.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Minister aware that larger areas of land were cultivated by people who were not used to handle such large areas—about two or three acres? At this time, weeding and picking will be most difficult for the farmers. Will the Minister therefore be kind enough to give additional loans to these farmers?

Dr. Kiako: Mr. Speaker, Sir, we are quite aware of the fact that the people in Nyanza and elsewhere can weed their gardens, their *shambar*, and they can also pick the cotton, so we want to increase the total acreage for planting the cotton, not just help the people with weeding. I am sure the hon. Member will talk to the farmers to make them work a little harder than they are working now.

Mr. Balu: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the Director of Agriculture, when he came to Central Nyanza Province, told people that he would give bigger loans to those people who can work hard on their *shambar* and, as a result, you find that we have only one co-operative society in one location and in other areas there are four or five co-operative societies who are getting Sh. 40,000 per co-operative society? What can the Minister do in order to assist some of these people who have only one co-operative society in one location whereas some people have three or four co-operative societies in another location?

Dr. Kiako: Mr. Speaker, Sir, the question is, will the Government provide loans for weeding

and picking cotton, and I have said, no, Sir, we want to increase the acreage for cultivation of cotton.

Question No. 1076

AFRICANIZATION: KHADI POST IN NORTH-EASTERN PROVINCE

Mr. Amin asked the Attorney-General when the post of Khadi in the North-Eastern Province would be Africanized.

Mr. Khalif: Mr. Speaker, Sir, on a point of order, not knowing the system used to word questions, I would like to seek your ruling on this. I do not know what method was used to word this question because it happens to be completely contrary to the meaning which Mr. Amin meant.

The Speaker (Mr. Slade): Well, it is for Mr. Amin to correct it if it is wrong.

Mr. Amin: Mr. Speaker, Sir, my question would have been, when will the post of Khadi in the North-Eastern Province be filled by a local man?

The Speaker (Mr. Slade): Yes, I am afraid then that your question has been misinterpreted. I think we had better take it off the Order Paper and put it on again in a day or two's time. There is no point in altering it now. I do not think the Attorney-General will be prepared to answer it.

The Attorney-General (Mr. Njonjo): I am prepared to answer it, Mr. Speaker, Sir. I know what Mr. Amin wants to know.

The Speaker (Mr. Slade): If Mr. Njonjo knows what you mean, he can answer what you meant.

Mr. Njonjo: Mr. Speaker, I was first of all going to say, with the greatest respect to the hon. Member, that the question is not understood. It is a misnomer to speak of Africanizing a post which has always been held by a Kenya citizen.

The Speaker (Mr. Slade): I think, in fact, you are now answering the question as it is written and not as Mr. Amin meant. It will be much better, therefore, if we leave this now and allow some time for the question to be put right on the Order Paper.

Mr. Khalif: On a point of order, Mr. Speaker, arising from your ruling, I think the Attorney-General has answered in accordance with the latest form of the question, and I wonder whether you can allow it to go through?

The Speaker (Mr. Slade): No, Mr. Khalif, there is too much confusion.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 1068: ELIMINATION OF THE KENYA PRELIMINARY EXAMINATION

Mr. Godia: Mr. Speaker, Sir, on a point of order, in view of the fact that the answer to this question has been unsatisfactory, I beg to raise this matter on adjournment!

ORAL ANSWERS TO QUESTIONS

Question No. 2002

HIDES AND SKINS INDUSTRY FOR SAMBURU

Mr. Rurumban asked the Minister for Commerce and Industry whether, in view of the fact that the Samburu District produced a large number of hides and skins, he would consider establishing a hides and skins industry there.

The Assistant Minister for Commerce and Industry (Mr. Olotiplitip): Mr. Speaker, Sir, I beg to reply.

The Ministry of Commerce and Industry provides advice and loans for industrial projects through the Industrial and Commercial Development Corporation. Thus, if the people of the Samburu District wish to establish a hides and skins industry in their—

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, it seems that the palatynists are not able to hear what the Minister is talking about.

The Speaker (Mr. Slade): Thank you. I am grateful Mr. Mutiso. It is rather difficult for the palatynists to hear hon. Members at that end of the House.

Mr. Gatigwa: Is it in order, Mr. Speaker, Sir, for the hon. Member of the House to stand and say that members of the public, strangers, and palatynists are not hearing the debate.

The Speaker (Mr. Slade): We are only too grateful if we are informed about the palatynists. We do not worry quite so much about the public.

Mr. Anyleni: On a point of order, Mr. Speaker, Sir, could it be ruled, could you make a rule in this House, that when an Assistant Minister or a Minister is replying and he is sitting on the Front Bench, he must always come to the Table so that the palatynists will be able to hear, so that we do not have such points of order again?

The Speaker (Mr. Slade): I will not make a particular order like that. All I ask is that hon. Members make it their business to be heard. If they find that they are not heard when they stand, they must go where they will be heard.

Mr. Olotiplitip: Mr. Speaker, Sir, I beg to reply.

The Ministry of Commerce and Industry provides advice and loans for industrial projects through the Industrial and Commercial Development Corporation. Thus, if the people of the Samburu District wish to establish a hides and skins industry in their district they should organize themselves in a group and then apply for help from the Industrial and Commercial Development Corporation.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell this House how his advice is channelled, whether it is through officers or through himself, because at Samburu we do not have the officers to explain the formation of this company?

Mr. Olotiplitip: Mr. Speaker, Sir, it is very unfortunate that the Member does not know that we have loans officers in every region who go around explaining to the people the ways they should apply to the Industrial and Commercial Development Corporation.

Mr. Anyleni: Mr. Speaker, Sir, would the Assistant Minister give a guarantee to this House that after the applications have been made, the Minister or the Assistant Minister will not give a guarantee that the factory is going to be created there as they have given guarantees in other areas like Kisii and have failed to fulfil the guarantees given?

Mr. Olotiplitip: Mr. Speaker, Sir, I think that if a Minister replies to a question, he means it.

Mr. Khalifi: Mr. Speaker, Sir, arising from the answer of the Minister, is the Assistant Minister not aware even now, that commercial and industrial matters do not exist in every region or for that matter in every province?

Mr. Olotiplitip: Mr. Speaker, Sir, I am aware that trade officers are all over other regions, except his own respective region, the North-Eastern Region.

Mr. Khalifi: Mr. Speaker, Sir, does the Assistant Minister agree with me that the number of hides and skins available in the Samburu District warrants the establishment of a hides and skins industry in Samburu District?

Mr. Olotiplitip: Mr. Speaker, Sir, I have just said that if the people of Samburu organize themselves and bring forward a proposal to my Ministry that there are sufficient hides and skins to warrant a factory, we are ready to accept their claim and we shall give them loans to carry on.

Question No. 2008

Sisal FACTORY FOR SOUTH NYANZA

Mr. Maitori-Itumbo asked the Minister for Commerce and Industry if he would tell the House when he was proposing to set up a sisal factory in South Nyanza to process the sisal which was there in abundance, specially in Kuria constituency.

The Assistant Minister for Commerce and Industry (Mr. Olotiplitip): Mr. Speaker, Sir, I beg to reply. It is the intention of my Ministry that a sisal factory costing Sh. 120,000 should be established in Migori by September this year. The Industrial and Commercial Development Corporation is quite prepared to get the project going provided people in the constituency of the hon. Member are prepared to raise Sh. 25,000.

The South Nyanza Farmers' Co-operative Union was informed by my Ministry of this requirement in February this year, but all we have been told is that the farmers' union would soon be discussing the project. If the project is to start as we had planned, then people in South Nyanza should get organized quickly and submit an application for assistance.

Mr. Okwanyo: On a point of order, Mr. Speaker, could the Assistant Minister read again the figures that he gave?

The Speaker (Mr. Slade): Will you give the figures again, Mr. Olotiplitip: the amount the Government is prepared to give, and the amount of that part which has to be subscribed by the local people.

Mr. Olotiplitip: Mr. Speaker, Sir, the total figure is Sh. 120,000 and the required figure for the people of South Nyanza to raise is Sh. 25,000.

Mr. Maitori-Itumbo: Arising from the Assistant Minister's reply, could he assure the House that this factory is going to be owned by the co-operative societies and not individual commercial people of South Nyanza who exploit the local farmers?

Mr. Olotiplitip: Mr. Speaker, Sir, we are talking on the basis of South Nyanza Farmers' Co-operative Union, and it depends on how they organize themselves.

Mr. Maitori-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell the House how these co-operative societies are going to come into the running of the factory?

Mr. Olotiplitip: Mr. Speaker, Sir, the question is whether our Ministry is going to assist the sisal

industry in South Nyanza, and it depends on how these people organize themselves, and all our Ministry will do is to assist them financially to establish a factory.

Question No. 2011

CONTROL OF WILDLIFE OUTSIDE NATIONAL PARKS AND GAME RESERVES

Mr. Kase asked the Minister for Natural Resources and Wildlife if he would tell the House the ways and means found by his Ministry to control wildlife outside the national parks and game reserves as promised on Thursday, 8th October 1964.

The Minister for Natural Resources and Wildlife (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply. I did not promise, Sir, to find ways and means of controlling wildlife outside national parks and game reserves, because such ways and means have always been known by my Ministry. However, the Motion passed on 8th October 1964 urged the Government to find ways and means of increasing the control of wildlife outside the parks and reserves.

Since that time, Sir, my Ministry has drawn up a plan to reorganize the Game Department. Under this plan, there will be a large increase in the department's staff, and game stations will be opened in most areas where large numbers of game animals still exist. Increased transport and communications facilities will be provided so as to enable the department's staff to move faster and cover larger districts.

Such a reorganization will, however, require a great deal of money and will take a long time. The first part of it will be effected at the beginning of the coming financial year, which commences July this year.

Mr. Ngala-Aboki: Mr. Speaker, Sir, in view of the Minister's reply, is he aware that his game wardens at Lambwe are arresting people with clubs and sticks while they use to work with normally, because they are suspected of killing the wild game in the area, and what is the Minister going to do about these injustices and unnecessary arrests?

Mr. Ayodo: Mr. Speaker, perhaps you can help me on this. I am quite prepared to answer the question, but I wonder whether it is relevant to the question?

The Speaker (Mr. Slade): Yes, it is. I think it is relevant because the question is referring to control of wildlife, which might involve allowing private citizens to share in that control.

[The Assistant Minister for Education] established, so that collections made during the first year of their existence can be devoted to the much greater expenses of the second year, and so on in succeeding years.

Mr. Godia: Mr. Speaker, would the Assistant Minister tell the House whether this policy which the Ministry is advocating of producing Sh. 40,000 cash before any school is opened, applies to all or most of the Harambee schools which started last year, and if this is so, which ones?

Mr. Konchellah: Mr. Speaker, there has been a need for more secondary schools and local people themselves indicated that they would collect money and build schools. Well, if we continue saying that we do not want to observe the standards in the schools, then we will find that the standard of education in Kenya has gone down. We would like to see that the standard of education is high and, therefore, we must insist on getting this amount of Sh. 40,000 before a school is established.

Mr. Onweri: Mr. Speaker, Sir, would the Assistant Minister tell us how this figure of Sh. 40,000 was arrived at? On what estimate? Whether annual estimates are sent in by the schools, or whether it is the amount meant for a secondary school to run for four years? When once it has reached Form I, we expect it to run up to the fourth year before it reaches school certificate standard.

Mr. Konchellah: Mr. Speaker, my hon. friend was once a teacher and so he knows very well that when a school is opened there must be a qualified teacher. The Government has no money to pay the teacher, so part of the money which is being collected goes to pay the salary of the teacher who is going to start Form I. Secondly, school equipment is needed. There is also the upkeep of the school until the end of the year. There must also be money to start the class going in the new year because by then there will be two classes. So, this money is actually collected for paying the teacher's salary, school equipment and other commitments connected with the school.

Mr. Choge: Is school fees included in the Sh. 40,000?

Mr. Konchellah: No, Sir.

Mr. Tani: Would the Assistant Minister tell us about the closing of a certain Harambee school just because they did not pay Sh. 40,000?

Mr. Konchellah: This Harambee school, Mr. Speaker, has been newly built. However, at the moment I am not ready to give the name of a school which has run down because of shortage of funds. I will be prepared to give this in writing later.

Mr. Lorema: Mr. Speaker, is the Assistant Minister aware that the Sh. 40,000 which is wanted by the Government before a school is opened discourages the opening of more schools?

Mr. Konchellah: No, Sir.

Mr. Gatuguta: Mr. Speaker, could the Assistant Minister give an assurance to this House that a school which has proper buildings already put up will not be required to raise the Sh. 40,000?

Mr. Konchellah: I do not agree with that proposition.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 1064: FUNDS FOR HARAMBEE SECONDARY SCHOOLS

Mr. Masinde: Mr. Speaker, in view of the fact that we have not received satisfactory reply from the Assistant Minister I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): All right.

Next question.

Mr. Bala: On a point of order, Mr. Speaker, I would like to say something on the last question. The questioner asked whether it is necessary for a school which has permanent buildings to raise the Sh. 40,000 and, therefore, is it in order that the Assistant Minister should refuse to answer the question? The questioner only asks whether a school which has permanent buildings should be excluded from paying Sh. 40,000.

The Speaker (Mr. Slade): I have explained to hon. Members many times that the Minister, or Assistant Minister, replying is quite in order if refusing to answer the question altogether or only giving half an answer. It is up to the House to judge whether or not his answer is satisfactory. In this case, the Assistant Minister said he did not agree with that proposition and I think it was a clear answer in the negative.

We will now move on to the next question.

ORAL ANSWERS TO QUESTIONS

Question No. 1068

ELIMINATION OF THE KENYA PRELIMINARY EXAMINATION

Mr. Godia asked the Minister for Education if he would consider appointing a special committee to plan ways and means of eliminating the Kenya Preliminary Examination before 1967, so that students could proceed from primary to secondary school without examination.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir I beg to reply, No, Sir, but if the hon. Member has thought of something better than the Kenya Preliminary Examination which would be used for selecting secondary school pupils, he is very welcome to discuss his ideas with me first.

Mr. Godia: Mr. Speaker, arising from the Minister's reply, is the Minister not aware that the standard of the Kenya Preliminary Examination results does not help the African child at the moment to get employment?

Mr. Koinange: We can only take 10 per cent of all the pupils who pass the Kenya Preliminary Examination into secondary schools.

Mr. Khasakala: Mr. Speaker, in view of the fact that Government has room only for 10 per cent of the students who sit for the Kenya Preliminary Examination every year to move on to the secondary schools, could the Minister tell the House what arrangements he has for the rest of the 90 per cent?

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

Mr. Ngala-Abok: Arising from the Minister's reply that if a Member has a suggestion to make with regard to the best system to be adopted this could be discussed, could the Minister tell us, since he has come to answer this question in this House, whether there is a means to devise the best system by which the Kenya Preliminary Examination could be got rid of?

Mr. Koinange: Mr. Speaker, the Kenya Preliminary Examination is quite good, because it is the only means that we have at present of selecting local students who will move on to further education in secondary schools. So far, we have not found any fault in that system.

Mr. Ochwada: Mr. Speaker, in view of the fact that for about three years there have been allegations that the papers for the Kenya Preliminary Examination have leaked out before the examination takes place, and that some students

have passed this examination due to the fact that they saw the examination papers in advance, can the Minister agree that passing the Kenya Preliminary Examination does not, in actual fact and, therefore, he should give serious consideration to the suggestion made in this question?

Mr. Koinange: Mr. Speaker, Sir, first of all, we did not have a leakage of examinations this year, and also, Mr. Speaker, Sir, of three years ago.

The second point is that so far the means of examination by the Kenya Preliminary Examination still stand good, and the Government is no doubt prepared, as we get teachers and other people, to revise if need be, the examination, but for the time being the Kenya Preliminary Examination is still good.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that at present every firm or every institution, whether it is commercial or what, is insisting on secondary school standard, and because a good number of children are stopped at Standard 8 level, then they do not have the facility of joining any institution at all. Is it necessary that we leave these pupils who have just to reach secondary standard?

The Speaker (Mr. Slade): Order! This question only relates to how you are going to select those who go on to such places as are available. You cannot discuss under this question what you are going to do with those whom you are not able to place.

Mr. Onweri: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that in Professor Ominde's report there is the inclusion that there will be a proper way of selecting students for Form I from primary schools, and in view of the fact that at the moment the Kenya Preliminary Examination is held in various stages, some schools hold the Kenya Preliminary Examination in Standard 7 and others hold it in Standard 8, and it looks so meaningless that this Kenya Preliminary Examination has no meaning now. Would the Minister agree to implement that suggested method of selection immediately?

Mr. Koinange: Mr. Speaker, Sir, we will look into it, but I must say, in emphasis, that the selection of 103,000 pupils of the Kenya Preliminary Examination who have passed will have no question about their examinations, there is no question about examination at all. Those 103,000 pupils passed and no one raised a question that the examination was not as it should be.

[The Minister for Internal Security and Defence]
Malawians, who have since gone away since this question was asked, were three.

Rhodesians, who have also gone away since this question was asked, were two.

Angolans two, who have also left. Zambians one and he has also left, and Comorians two.

Mr. Makokha: Mr. Speaker, Sir, may the House know from the Minister whether these refugees are living in camps or are left to float around the country anyhow?

Dr. Mungali: Mr. Speaker, Sir, there are some who are being supported by the missionaries, like the 119 Sudanese by the Christian Council of Kenya, and they are not floating around. There are others who come through and usually go to our neighbouring states, or are on their way out, of Africa, and they could only be called refugees in transit and they are also not floating, but are staying for some time, a few days, and then leaving. For instance, the Mozambiguans who are here, are on their way back to Lusaka and Dar es Salaam.

Mr. Jahaari: Mr. Speaker, Sir, could the Minister tell the House how many Zanzibar refugees we have because I did not hear any mention made of them?

Dr. Mungali: Mr. Speaker, Sir, we have not had any Zanzibarians as such as refugees, but some of them have come from Tanzania. You could hardly call people from Tanzania refugees.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House whether these refugees carry with them some documents of identification so that they can prove they are real refugees and not spies?

Dr. Mungali: Mr. Speaker, Sir, as I have said, some of them, as I have enumerated, go through Kenya, others are taken care of by the Church groups and, indeed, some of them even go to other schools and are taught by them. We are very watchful and if we find people of doubtful character who could become spies in this country, naturally, we turn them back immediately before they even enter the country.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply, would he tell this House what sort of facilities the Kenya Government is giving to these refugees?

Dr. Mungali: Mr. Speaker, Sir, as I have identified them, most of these are being supported by various groups, like the Church groups, but then of the others there is a Committee of Nine in

Dar es Salaam which takes care of these things and we are quite willing to support the Committee of Nine. Of the others coming from Uganda side, there is an agreement that they have to stay in a refugee camp in Uganda, to which the Kenya Government could contribute, but here in Kenya we will not accept refugees as such, until the agreement within the African countries has been completed and there are places and facilities provided for them in those areas, which we do support because we feel it is necessary.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Minister tell the House under what principles regulations this Committee of Nine is working, and which regulations are being carried out by the Kenya Government at present?

Dr. Mungali: Mr. Speaker, I do not know what that has to do with the particular question on how many refugees we have in Kenya. The Committee of Nine is in Dar es Salaam.

Question No. 1026

The Speaker (Mr. Slade): I have to inform hon. Members that the next question is on the Order Paper by mistake, having already been asked and answered. The mistake occurred due to the temporary illness of one of our clerks.

We will go on to the next one.

Question No. 1059

SCHOOL CERTIFICATE RESULTS: HOMA BAY

Mr. Ngala-Aboki asked the Minister for Education what reasons had led to such poor results in last year's school certificate examinations, especially those of Homa Bay Secondary School.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. The results of the 1964 school certificate examinations in Kenya schools as a whole were not poor, indeed they compared favourably with those of previous years. Generally, old-established schools can be expected to produce consistently good results, but new schools, particularly those which, like Homa Bay, are taking the examination for the first time, have to gain some experience in doing their examinations before their results equal those of the older schools.

Mr. Ngala-Aboki: Mr. Speaker, Sir, would the Assistant Minister tell the House what improvements are carried out by the Government in connection with these new schools can gain experience, so that the next examination results will not be as poor as those which have been obtained by the Homa Bay Secondary School so far?

Mr. Konchellah: Mr. Speaker, Sir, I am the very first to admit that in this very school at Homa Bay we had new teachers. These new teachers were newly qualified and they are now gaining experience in teaching.

Secondly, in older schools there are Form II, Form III and Form IV, and usually a child in Form I copies a lot even from the Form II or Form III, and these new schools have only Form I.

Mr. Malsori-Itumbi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he agree with us in the House that many transfers of teachers affect the studies of students in every school?

Mr. Konchellah: Mr. Speaker, Sir, Homa Bay is a very new school and we have not transferred a single teacher, so this question does not arise.

Mr. Masade: Mr. Speaker, Sir, arising from the Assistant Minister's replies, could the Minister tell this House what are the chances of those boys or girls who are in new schools as an experiment for the first year, passing the examinations?

Mr. Konchellah: Mr. Speaker, although this is a different question, I think that we are equipping our schools with qualified teachers and also we do not need to bring other children to come and stay with others while we have just opened Form I only.

Mr. Ngala: Mr. Speaker, Sir, will the Assistant Minister agree with me, having said that the new teachers at Homa Bay are newly qualified, that they are the sort of teachers who would teach better because they are fresh from training colleges, and is the Assistant Minister aware that at Homa Bay children are boycotting school because the teaching of English is so bad?

Mr. Konchellah: No, Sir. Mr. Speaker, Sir, my friend here who has asked the question has been a Minister for Education for some time, and I think he is very much aware of what is going on. When he talks of English being taught in a different way, I do not know whether he means that—I am not aware of English being taught badly in Homa Bay School, and if the hon. questioner could tell me how it is being taught, I will reply to him.

Mr. Ngala: Arising from that reply, Sir, is the Assistant Minister prepared to look into the causes of the recent strike of the students at Homa Bay?

Mr. Konchellah: Mr. Speaker, Sir, this has been carried out.

Mr. Anylen: Mr. Speaker, Sir, in view of the fact that the school at Homa Bay and other schools were very bad, would the Minister consider transferring all the teachers who have already taught boys for secondary education to new schools and then mixing some new teachers in the old secondary schools and new secondary schools so that we do not have the question of new teachers in particularly new secondary schools?

Mr. Konchellah: Mr. Speaker, Sir, I hope the hon. Member in this House is very much aware of the fact that as many schools have been opened. Therefore, there is shortage of teachers in the country already. If we transfer teachers from another school, that will mean that we will be bringing old teachers to new schools and then the other schools will remain with new teachers. Our only problem here is shortage of teachers.

Mr. Murnu: Mr. Speaker, Sir, would the Assistant Minister tell this House the result of the inquiry that was conducted on the Homa Bay Secondary School?

Mr. Konchellah: Although this is a supplementary question, Mr. Speaker, I am not ready at the moment to disclose the facts of the inquiry into the Homa Bay Secondary School.

The Speaker (Mr. Slade): Next question.

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, Sir, may I draw your attention to another question I am going to ask? It should be corrected to read as follows: Question No. 1057 instead of 1059 as on the Order Paper.

The Speaker (Mr. Slade): All right.

Question No. 1064

FUND RAISING POLICY FOR HARAMBEE SCHOOLS

Mr. Godia asked the Minister for Education if the Minister was prepared to alter his Ministry's policy whereby each new Harambee Secondary School had to produce Sh. 40,000 in cash before the school could open, on the basis that once a school had opened with Sh. 20,000, the balance of Sh. 20,000 or more, could easily be reached by the end of the year.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. No, Sir. In view of the fact that the managements of these schools can expect to have to maintain them without Government aid for an indefinite period, it is considered that the necessary sum to ensure satisfactory standards during the first year should be in hand when the schools are first

Mr. Gichoya: On a point of order, Mr. Speaker, can we continue without a quorum?

The Speaker (Mr. Slade): I did hope nobody would be so stupid as to create a question which would involve our adjourning today and sitting again tomorrow to preclude a Motion for adjournment for five minutes. I do not think I heard anybody say anything about a quorum.

An hon. Member: On a point of order—

The Speaker (Mr. Slade): No, I do not think we need have any more points of order.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I am very pleased to say that I have listened very attentively to very many points raised by Members from this side and from the opposite side. Some of them were very excited indeed and very emotional. Let me say that, having been in this House all these years, I am used to one thing: that Kenya has developed a kind of emotionalism which comes on every now and then, and all this is normally subject to outside influence. It was not started by us, but from outside. At one time, we had emotionalism of something called *Mau Mau*, and everybody was frightened of a trouble called *Mau Mau*. I remember one of the strongest speakers then, who was with me, and when I mentioned Kenya's name here, he sent me—he was in Japan by then—a telegram to say that he was not with me in support of *Mau Mau*, and that he would not support me in anything. He is not in the House at the moment; he is the Member for Kilifi. Today, I find that he is one of the staunch champions of Kenya today. I must say that later things went on, and there was "*Mili Miling*", and everybody was frightened of it. I accepted that these were just stories. Many people argued about it. Now, I find that they drink in hotels with "*Mili Miling*".

Mr. Speaker, today, we people who stood strongly, have never changed our policies; our policies stand on African nationalism. I have toured the African land, and I am glad, and today the Member for Butere pleased me when he

talked about our principles. I challenge the Members here, that each Member should stand on their principles and not waver or move this way and that. There is a lot of trouble today which is being carefully formed, and that is the trouble of communism, which is not new. I have known it, I have been charged with it, I have accepted that charge for a long time. Today, all these people who want to divide the Africans and to create disunity, are trying again to bring it about with vigour and force. People ask me whether we are in danger of communism and so on. If you ask them where it is, what it looks like and where it is so that we can find it, and discuss it with them so that we can find out whether it is right or wrong, whether they are right or wrong, so that we follow them if it is right, they cannot tell you. I say that we in Kenya are free to make friends with anybody. If I find people, say, Russians, and they appeal to me that what they stand for is right, and therefore their association with me is correct, to help us to build our country, I will avail myself of their help. I will persuade my Government also to avail itself. If I find Americans anywhere, and they say that America is right in other ways, and they can get on with us, I will tell them about capitalism, that they should not be capitalists, or imperialists, because I do not believe that they are going to help us any longer. Make no bones about it, I will always look into it if I am told and I am strong and calm and I will always get it. Today I was out of the House talking to the Members. I will say but next time, when I have more time, I will say more. I would appeal to the Members to maintain unity, and let us this afternoon vote for the Kana candidates whom we have actually much faith in.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is adjourned accordingly until Tuesday, 20th April, at 2.30 p.m.

The House rose at fifteen minutes past One o'clock.

Tuesday, 20th April 1965

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:—
Marcell Charles Maati ole Tialal.

COMMUNICATION FROM THE CHAIR

SENATE MESSAGES ON BILLS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received messages from the Senate as follows:—

On Friday, 2nd April 1965, the Senate agreed to the Agricultural Development Corporation Bill without amendment.

The Senate returned the original corrected copy of the Kenya National Library Service Board Bill with a copy of their Votes and Proceedings for 2nd April 1965, indicating the amendments made thereto and desires the concurrence of the House of Representatives to the amendments agreed to by the Senate, which hon. Members will see noted on today's Order Paper.

On 9th April 1965, the Senate agreed to the Food, Drugs and Chemical Substances Bill, the Civil Contingencies Fund (Amendment) Bill, the Pensions (Amendment) Bill, and the Trade Marks (Amendment) Bill all without amendment.

PAPERS LAID

The following Papers were laid on the Table:—

The Sessional Paper No. 12 of 1963/65 on Amendments to Standing Orders of the House of Representatives, Kenya.

(By the Vice-President (Mr. Odinga))
The Dairy Industry (Licensing of Retailers) Regulations, 1964.

The Marketing of African Produce (West Kenya Marketing Board) Regulations, 1964.

The Coffee (Movement Control) Rules, 1964.
The Coffee (Export Control) (Amendment) Rules, 1964.

The Dairy Industry (Licensing of Retailers) Regulations, 1964.

The Kenya Meat Commission (Grading) (Amendment) (No. 3) Regulations, 1964.
The Rabies (Inoculation of Dogs) (Bungoma District) Regulations, 1964.

The Hide and Skin Trader (Imposition of Cess) (Amendment) Rules, 1965.
The Agriculture (Basic Land Usage) Rules, 1965.

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

Report made to the Minister for Commerce and Industry by the Working Party on Rent Control.

(By the Assistant Minister for Commerce and Industry (Mr. Oluolupipi))

Maize Marketing Board Annual Report for the Financial Year ended 31st July 1964.

(By the Minister for Information, Broadcasting and Tourism (Mr. Achleng-Oneko) on behalf of the Minister for Co-operatives and Marketing (Mr. Ngei))

The Judicial Department Report, 1961/63

(By the Minister for Information, Broadcasting and Tourism (Mr. Achleng-Oneko) on behalf of the Attorney-General (Mr. Njonjo))

NOTICE OF MOTION

SESSIONAL PAPER NO. 12 OF 1963/65:
AMENDMENTS TO STANDING ORDERS

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this House makes the amendments to the Standing Orders of the House of Representatives set out in Sessional Paper No. 12 of 1963/65.

ORAL ANSWERS TO QUESTIONS

Question No. 1048

POLITICAL REFUGEES IN KENYA

Mr. Makokha asked the Minister for Internal Security and Defence—

(a) how many political refugees there were in this country;

(b) whether the Minister would give their breakdown by countries of origin.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. There are 207 refugees in Kenya. Their breakdown is as follows:

Congolese	27
Mozambiquans	23
Mwandese	22
Sudanese	119
South Africans	6

[Mr. Shikuko]

If I may come to the most important thing, namely, what we are supposed to do for our people, is to see to it that we feed them, to clothe them and to make sure that our people have a shelter over their heads, but instead of doing that, we are now full of fears and talking of power. Some people want to be in power all the time, despite the fact that they are doing nothing. There are a lot of brains, Mr. Speaker, which are being wasted, just because some people managed to get to the top of the ladder and do not wish to come down. I resent most strongly, Mr. Speaker, the question of some people being considered senior. If a man is unable to lead the country, despite his age, he should climb down and let other people lead the country. If it is a question of age, Mr. Speaker, some of us are going to be referred to as young throughout, because there is no question of overtaking one in age. If the hon. Vice-President is fifty today and I am thirty, I will never overtake him, he will always look down upon me as a young man, even at the age of 80, because then he will be 100 years old. Mr. Speaker, I feel the late President Kennedy proved to the world that young brains could also be of much value and wisdom. Hence the question of referring to some Members as being more senior, as stated by one of the hon. Members here, should be stopped; let us go by logic and not by age, because there are old idiots, as well as young wise men.

Mr. Speaker, if I may come to another point, it is the question of *Uhuru na tumbao*, and I would like to emphasize this. There are people who are suffering today and I suggest in this House that the present cost of living should be reduced to facilitate more employment of the people who are loitering without employment or food for themselves, while you people are talking of power. You will never keep power so long as the empty bellies of the unemployed are not filled. They will pull you down in the end.

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

The Speaker (Mr. Slade): As regards the time that is left for this debate, Mr. Odinga will not reply until five minutes past one, unless the closure is moved before then.

Mr. Khasakhala: Mr. Speaker, Sir, we will have to record today as an historical day, when Members spoke their minds freely. The time has come, Sir, when Africa should be left free to solve its own problems. At the moment, it appears as though we are involved in the cold wars of big powers, which do not exist in Africa at all.

The reason why this unfortunate situation has come to Kenya especially is, Mr. Speaker—and I would point out that Kenya has been involved in this cold war because of one thing and one thing alone—the awarding of scholarships from various countries. Some scholarships have been channelled through individuals and, as a result, these individuals have been looked upon as agents of those countries, whereas it may not be so, because it might be that they were known to these countries before the other Members were known. There may be scholarships to America, there may be scholarships to China, to Russia, to Great Britain.

Mr. Speaker, this is what is creating the cold war in Kenya. It is because of this. I am going to explain the reason why we have been lunched into this cold war. Take the number of people who are studying in various countries: some are studying to become soldiers; some are studying to become doctors; some are studying to become lawyers; some are studying even to become politicians, they take a course of political science. When one looks at the balance of the Kenyans who have been sent outside the country to train in these activities, one sees an imbalance. The balance does not cover the whole country and, as a result, Mr. Speaker, we have been lunched into this cold war, because of fear. This fear is here and no one can deny it.

There is a fear, Mr. Speaker, that some people may come back and overthrow the Government because they have trained as pilots, as army officers, they have trained as big, important, international captains. So if one can deceive this House that there is no cold war in Kenya, one will be telling the world a lie. There is definitely a cold war in Kenya and this must be stopped. I would call upon my own Government, the Government of Kenya, to represent the African interests and do away with interference by foreign powers. We have had interference; we cannot even solve the Congo situation today, the Sir. The Congo was in the Congo West and at the present time, the people dying in the Congo are not the Europeans from the East, they are not from the West, they are Africans of our blood.

We cannot allow this situation to come to Kenya at this juncture. We want, Mr. Speaker, if our Government is working well, and if it has got a Special Branch, to tell the people of this country, where this cold war started from. We need to know the truth about all these things. There is no smoke without fire and we want to be told where this fire comes from. You can never stop that here. You may shout at me, you may tell me that I am creating it, but I can as well say the same to you, that you are creating it.

The Speaker (Mr. Slade): You are not addressing me?

Mr. Khasakhala: I was not referring to you, Mr. Speaker!

I would appeal very strongly to His Excellency, who is very much honoured by the ordinary people of this country, and to whom we are all loyal, to find out where this fire is, because already there is enough smoke to prove to us that there is a fire burning somewhere.

With these few remarks, I beg to support.

The Speaker (Mr. Slade): You can have four minutes.

Mr. Kibura: Thank you, Mr. Speaker.

Sir, I would like to mention something which has been mentioned by quite a number of people, and this is African socialism. It is good; I would like the fact that the Government is working on it, so that we are presented with a paper, defining what African socialism is and how it is to be put into practice. I find that we have to appeal to the Members of the Cabinet, to the Ministers. I see that the Ministers themselves are not united on the meaning of the words "African socialism", and their own interpretations differ. We cannot afford to confuse the masses in the country by giving them different interpretations. This paper is supposed to come out in May, I would request the Government to see that this thing comes out during the next sitting, so that we know exactly where we stand.

Another thing, Mr. Speaker, is that I would also like to appeal to the Ministers of this Government and Government as a whole. I see things outside, and I would like to ask the Government whether the Ministers and Members of this Parliament are really sincere. You find some people who are not working, they are not employed, they are not employed by the Government, but every day you see them in cars, going to big hotels, talking with certain Ministers. If this is the Kenya Government, then these people should be employed by the Government, but not by individual Ministers. We shall start to wonder and try to find out where this money is coming from. Is it from the salaries of the Ministers given by the Kenya Government or is it coming from outside? I appeal to the Ministers to see that this ceases.

Here in the House, you hear the Minister saying, "Well, we are one Government." Outside, you see individuals coming and saying, "So-and-so is the right person, the right leader." This is very bad indeed, and it is confusing the public.

Now with regard to the question of the smuggling of arms. If there are all these allegations—and once you go outside, you hear even more rumours. You will hear people saying, "You will see." I mean people outside. They say, "You will see within a certain time." And then here the Government says, "Well, everything is all right, there is no smuggling of arms, and the army is ready to deal with anything which crops up." But outside, their supporters talk differently.

I do not want to talk of any particular Minister, but if we are to be sincere we should say one thing here in the House and then say the same thing outside.

In finishing, Mr. Speaker, I would like to appeal to the Government, and would like to support the hon. Mr. Khasakhala when he said that when individuals go to different countries on scholarships and then come back, they support that individual country instead of supporting their own country of Kenya. I would appeal to the Government to see that if we are to get aid from America, from Russia, from China, from Britain, let us get help in materials and train our people in our own country.

When they go to these countries, they are taught certain ideologies and, as a result, when they come here, they get confused. You fight with East and West. If we are sincere with ourselves, we should be Kenyans, and should ask the President and his Ministers to give us a lead, but not to confuse the public.

The Speaker (Mr. Slade): I will now call upon the Mover to reply.

Mr. Gichoya: On a point of order, Sir, I wonder whether you could use your discretion with this, and allow two people to speak before the Mover is called upon to reply?

The Speaker (Mr. Slade): No, I am afraid not. It is by Resolution of the House that there is a time limit of an hour and a half for this particular kind of Motion. There are always some hon. Members who are unlucky. The only way one could continue for another ten minutes would be with the leave of the House, that is, if no Member objects. If any Member objects, we have to stand by the Resolution. Does any Member object to continuing for another ten minutes?

An hon. Member: I object.

The Speaker (Mr. Slade): All right. I will call upon the Mover to reply.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir—

[Mr. Oduya]

with it, that would help up. He has been dealing with a certain foreign country which is trying to use this country, and now that he sees that he has no chance, he is trying to place the blame cleverly that there is a threat to take over the Government from the Members in the House so that he may capture the leadership of this country. Mr. Speaker, Sir, it has been reported that most of the Members have been called to certain meetings and even some Members here, and some of them have wanted to speak, and I even mention to you Mr. Speaker, Sir, that they have been promised that their expenses will be paid by somebody in this House, a very clever person, who, in fact, enjoys the most senior position in our Cabinet, and in fact, one of the leading nationalists who is now to pay the Members they have forced into doing it, this must be stopped.

Mr. Khasakhala: Mr. Speaker, Sir, on a point of order, is it in order, for the hon. Member to make this allegation, because this is a very serious allegation?

Mr. Oduya: Mr. Speaker, Sir, what I am saying is that it is unfortunate that those Members were here, and this is a matter for them to come and to say that they were taken by surprise and told that you cannot agree with everything we are coming to, I mean that you do not ask who is paying the bill. Now if the Member wants substantiation then I will bring that particular individual.

Mr. Khasakhala: Mr. Speaker, Sir, on a point of order, I am not satisfied.

The Speaker (Mr. Slade): You are right, Mr. Khasakhala, I do not think that anyone in the House could be satisfied with that one. You have made a very serious allegation and I think you should follow it right through now, and say what you are referring to.

Mr. Oduya: All right then I will withdraw.

The Speaker (Mr. Slade): I would remind hon. Members to be more careful in what they say. You have been Members of this House for nearly two years and you have learnt the responsibility of Membership and the privilege of being able to say things here without being taken to court, and the responsibility that goes with that privilege. Many of you today have criticized the Member who gave notice of a Motion, and then, when it was time, the Member was not here to move it. Still you say things that alarm people and you will not substantiate them.

Mr. Ngala-Aboki: Mr. Speaker, Sir, I have been anxious to speak ever since I entered this House, because of the terrible situation in which we find ourselves today.

At the moment, I would just like to dwell on the position of the President. What I would like to say is this: it has been suggested that certain groups of people are not satisfied with his leadership. Because of this, they are trying to find out a system which will overthrow his Government, put the country into confusion, and then confine the President. This is what happened in Malawi. In Malawi, some clever people alleged that the Government of Dr. Banda was being overthrown, and that Dr. Banda had to get a new Cabinet and that he would be able to find the people who were trying to overthrow him. This happening was done very cleverly and now the whole of Africa knows what type of Government Dr. Banda is having. This is not to allege that something sinister happened, but to give an example of what is happening in the whole of Africa today. From this time, we have confusion in the Government one way or the other. If our President is not careful about those who claim to be his first and foremost supporters and also about the people claiming to be his supporters in this country, and fails to identify these two groups and sees what their ideas are, he will find himself in difficulties with some of these members or groups of people who are fighting on the basis of personality country. In the first place, he should find out who his friends are. Is it the person who stands up here, who has the guts to criticize his policy, to criticize his Africanization policies, to criticize the combined responsibility of the Cabinet, or is he the person who goes bowing to him all the time, but tells him nothing? I think, Mr. Speaker, Sir, I would respect a person more if he came straight out with his criticisms about me, and made me learn to act properly also made me see where my business was, and made me know so-and-so, rather than a person who makes out that he is a good organizer and yet he is the one that brings confusion. Now, what would happen today if the President thought that the Motion which was tabled had some weight? He would cease to be ruled properly or cases to conduct himself in a proper manner and put the country into a state of chaos. This is what the President could do, but who knows what they are doing, but he may find himself in difficulty. Today, the whole of Africa looks upon him as the only person who can lead Kenya. We would like to appeal to the President to be very, very careful about the people who claim to be his supporters. This does not mean that the whole of the personality cult group are fighting a campaign for power.

[Mr. Ngala-Aboki]

I am sure that the people who elected me do support me. But if people think that I am doing the wrong thing or that I am trying to overthrow the Government, by voting against the Government, then they are wrong, because to vote against the Government is not the same as planning to overthrow the Government. Let us now collect and produce evidence before a court of law. Everybody is subject to arrest, whether a Minister or not. If I felt that somebody else, another Minister, was going to take over my Ministry, then the first thing that I would do would be to employ some one to investigate him and find out whether he was innocent or guilty. We must base things on the Government machinery. We cannot have Members using propaganda just purely for the sake of achieving leadership through rumours. We cannot live on propaganda and on underground planning, so that we make life poor.

Moreover, we are very used to these calculated machinations. Somebody is again encouraging two parties. These were formed on the basis of divide and rule tactics, so when Kadu was dissolved, I did not know that there was another move to form another party, but if any other party were formed, it means that joining a party allows me to speak without minding anybody. If anybody wants to form another party, and if anybody wants to make use of this to overthrow the Government of Mr. Kenyatta, in the disguise of support for Mr. Kenyatta, he is as clever as those people think, and therefore he will not allow himself to be fooled by people who want to take over the leadership. This is what I would like to impress on the President: to keep calm, to run the country as before, to elect a Minister or a Member of Parliament who is definitely a friend of his. Therefore, he should not be fooled by people who want to replace him. This is the job of any Ministry to stop all rumours.

Mr. Shikuku: Mr. Speaker, Sir, if I may say a few things. I have one thing to say and that is about the question of the present cloud of fear that is hanging over the hon. Members of this House and the other House.

One thing is obvious, and I am talking with all sincerity, because I do not belong to any ideology; I do not belong to any ideology other than that of Kenya. I have no axe to grind, and I would like to take this opportunity, Mr. Speaker, Sir, to make it known that all this present confusion in the country is due to the fact that we now have a one-party state, which, of course, I did oppose from the beginning, and it has gone down

in history, and is on the record that Mr. Shikuku was the last person to cross the Floor. I did so because I foresaw all these things, but today I am glad that the Members are now feeling the pinch of what I know about. I took it this way, Mr. Speaker, Sir, that once you have closed all the windows of your house, then, it is obvious that you are going to suffocate. Well, they closed all the windows and they now find themselves in the smoke, and they are suffocating. May I now take this opportunity and tell them that the question of communism, the question of accusing each other of being capitalist or non-capitalist, etc., is because the hon. Members here have no moral obligations. They have no principles. They go by what they feel today, and then tomorrow they say a different thing. I just do not understand, Mr. Speaker, why elected, responsible, supposed-to-be-intelligent people, could come here and dwell on rumours, instead of trying to find out how people could be best fed in this country.

May I come to the most important thing? I do not believe in all this nonsense that has been said in this House; I call it nonsense, because there is nobody daring enough who has put up a case and produced any concrete evidence for the people of Kenya or the world, for that matter, apart from expressing the fears of something which probably does not even exist.

Mr. Speaker, when it comes to the question of communism, you find at the moment we have time and again heard of capitalism, imperialism, and communism. Where is this communism? If the people here, as has been stated, have some money from communist countries and are using this money to try and get some support in this country, why has the Government up to this very moment not acted, even arrested some people? Even some of the Government people have admitted that there is some money coming in from these various countries, and it is used for campaigning and trying to get support in the country. Why has not the Government been able to arrest these people and also stop the money from coming into the country? Most of the Members here, Mr. Speaker, want to drink, want to have a nice time, but the salary here I must admit, is very small indeed, and probably it is due to that fact, that some of the Members are being persecuted by some individuals and being fed by this dirty money from outside the country. I denounce, this most strongly, because I am a Kenyan and I believe in Kenya and not in any communist bloc. I have denounced the east and I have denounced the west, and I hope I am quite clear on that.

[Mr. Obok]

what we are doing and what we intend to do. They expect us to work for them but not to try, Mr. Speaker, to confuse the country. I am very surprised that the hon. Member who wanted to move this Motion went away. The two English journalists, immediately after the Minister for Information, on behalf of the Government, had denied that there were any arms being imported into this country, were deported; they were declared prohibited immigrants and were sent away. These two gentlemen were Mr. Richard Beeston and Mr. Douglas Brown. Now people should not pretend to know a lot of things and come to this House and tell us that arms are being imported into this country. Where is he now, the sponsor of this Motion? This is very bad, Mr. Speaker.

Kenya has what very many independent African states do not have. Kenya is a very rich country and we should not be in a held of a hurry. Most of the Members of this House have a bright future; they will always get whatever they want, if they are prepared to wait and accept the leadership of other senior leaders of this country.

Mr. Shikuku: Are you also a senior?

Mr. Obok: No, I mean there are some senior people: my hon. friend, the Member for Butere, is too junior, and he should accept that. It is rather bad that he is not toeing the party line, he is out of the way already. And there are few Members like him in this House who, in fact, one of these days, when they go back to their constituencies, will be told that they cannot come back to this House, because they will always follow anybody's ideas and that is not the way we should conduct ourselves in this House.

I think, Mr. Speaker, if we are really sincere, that we know that the life of this country is in the hands of Members of this House and we must be responsible and avoid bringing Motions to this House which will destroy the dignity of this House. Already the dignity of this House has been destroyed when an hon. Member of this House was assassinated.

With these few remarks, I oppose this Motion.

The Assistant Minister, Vice-President's Office (Dr. Wajacki): Thank you, Mr. Speaker, for allowing me also to say a few words in this debate. I have a feeling that what was intended to come as a bombshell has, in fact, ricocheted and has hit the head of a man and, probably, a group, squarely; and I am absolutely certain that it has embarrassed the intention originally planned.

Mr. Speaker, Sir, we are not children in this country and I am glad that the people of this country, the masses, know what they are doing. There is a struggle for power within the Kenya African National Union, which is emerging in this debate very clearly. The facts of the case are that we have a one-party state.

The second fact is that our President is the Chairman of the Congo *ad hoc* Commission and, to that extent, we are exposed to international manoeuvres between the East and the West. This struggle is being reflected within this struggle in the party. Why do we not speak openly? As I said, do not come here and talk to us about communism and hope that we will swallow that story hook, line and sinker. We will not. I am myself not a communist. I have a definite dislike for communism I have indeed struggled. Long before even the Vice-President used to go to the communist countries, I was travelling in those same communist countries. I have struggled to look for communism even in the Soviet Union. I am not saying that they have achieved it. Who is it tell us that in Kenya we can achieve it in one day? It is a matter of definition. Who do you mean by communist? Do you mean an African nationalist is a communist? Is that what you mean? If that is the definition, then I am a communist. I am declaring today, Mr. Speaker, openly, that at one time I myself labelled a communist, because when the *Mau Mau* was fighting here, I absconded from Scotland, made a boat for a Russian ship and went and preached *Mau Mau* in the East. To that end, I was declared a communist.

In fact, today I am prepared to own up that I borrowed a British passport, which was originally given to me in Kenya, because I could not come back to Kenya without it or I would have been detained. It was very serious, but I was fighting as nationalist, not as a communist. Here, today we have seen exhibited the most sneaky and abhorrent method of struggle for power within our party. The hon. Minister for Economic Planning has said clearly here that he is working on a document which is circulating through different Ministries of this Government on African socialism, the practical implications of African socialism. This is what I want to get in, African socialism, this is what I have detected on. The *Kanui* Manifesto clearly says that we stand for African socialism. Now I smell a rat. Somebody does not want this socialism and because he does not want it, he says it is communism. Some people know the details of this. Why can they not come out in the open and say that what you are in fact deferring—many of you gentlemen—is the right to hold large tracts of

[The Assistant Minister, Vice-President's Office] and why the majority of our people are poor? I oppose this idea.

Mr. Speaker, we are going to abide by the wishes of our people, we are going to abide by the philosophy of African socialism. We do not want any intelligent man to use us in order to remind us of such and such in the annual delegates' conference. We know that there is some clever person who has gone and amassed together people of different opinions in one group to fight another so-called communist group. Mr. Speaker, when there is a struggle for power, a clever man, or two or three, have combined and they have tried to involve most of the Members here. The people of Kenya demand that they should have this explained: African socialism only, we do not want to be pushed there.

Mr. Speaker, I beg to support the Motion.

Mr. Oduya: Mr. Speaker, Sir, I stand to join with my colleagues who have expressed their views on this unfortunate Motion which came to this House this morning.

Mr. Komora: Mr. Speaker, Sir, on a point of order, I rise to seek your guidance because we normally end a Motion on adjournment at 12.30 and would you like to tell the House at what time we are finishing?

The Speaker (Mr. Slade): Order. The ordinary time for interruption of business is 12.30, but when we have a Motion for the House to be adjourned to some other day than the next normal sitting day, then either we have to let that Motion run the full length of time allowed, which is an hour and a half, which takes us to 1 o'clock, or we have to sit another day to finish it off. I have a certain discretion, according to Standing Orders, to modify the time for closing business in accord with the convenience of Members, so on these occasions, when we get the Motion of Adjournment at roundabout 11.30, then, if necessary, the debate continues till about 1 o'clock.

Mr. Oduya: Mr. Speaker, I also would like to say that I am one of the men alleged to be a hard-core communist, and even recently, you might have come across a circular, which I think has been received by the Press, the public and Members of this House, and which specifically mentions Oduya and Anyieni as hard-core communists and that they must be crushed. Although it is a paper which has come from an unknown source, it is very clear that it is planned by a group of certain Members in the House and probably outside the House. Now, if this kind of thing continues, then I am afraid that one of these

days we may not only mislead the people, but also we may allow the foreign powers to come and play here and turn Kenya into an ideological playground, it is very, very dangerous. So I think I agree with the last speaker in saying that this rumour, or circular, which has been going around, and also other unfounded rumours and branding other people and calling them communists is only based one thing: the general election in the national headquarters of the national party which is forthcoming. Some clever chaps have decided to play a game in a very clever manner on other Members who are probably not well informed of the communist stand, right from the time it was formed. If you came when it was formed, it was known in the national party as member-head elections, because of the confusion which has been there, and of some people's struggle for power. Today, they have taken advantage of the one-party system here and are trying to confuse the Members who came here to represent the interests of their people in this House. They have been engaged to fight a war or to fight an item which is not in existence. Somebody clever enough is trying to mislead the masses and the Members that there is something in Kenya, so that we will forget all our deliberations. We will start thinking, where is that communism? The man in the countryside will forget to work on his *shamba*, he will forget to work in the office, but will think, "Oh, communism is going to ruin this country." Now through the back door, that very clever man again goes and conspires with certain delegates. As we know, there is on a certain international stand today, there are groups who, even now, control the economy of Kenya. As we know, they are planning now to mislead us, make us believe that there is communism somewhere by branding certain Members of this House, and then accusing them in public, so that the public will declare war against communism. Then they, on the other side, will come through the door and overrun the Government.

So, the Minister for Internal Security and Defence has made it quite clear that in his Ministry, his experts, let us say the Special Branch and the Criminal Investigation Department, have nothing in the records showing that there is the smuggling of arms into this country. Now, if we trust that we have a Government which is popular, then we trust the Minister, and I do not think that there is anything we have to doubt about as far as the security of this country is concerned. If we could just know that the rumour which is now going around is only intended to divide the country into several pieces so that somebody clever enough will get away

[The Minister for Internal Security and Defence]—must be very strict and I have issued orders to the police to be very, very strict from now onwards and to arrest those people and get their names, so they can be dealt with if any one of them is found with any arms on them—any person whether a Member of this House or outside this House. So hon. Members I hope will excuse me if one of these days they are arrested because they are in possession of arms.

The Speaker (Mr. Slade): It is the end of your time.

The Minister for Internal Security and Defence (Dr. Mungali): It will be at your request, and I shall be obliged if you support this.

Mr. Kagga: Mr. Speaker, Sir, it is very unfortunate that we had to discuss this question before the Motion was moved. When the Notice of this Motion was given, the Sessional Committee thought that it was a very important Motion and also a very serious one. We thought that we must give the House and the Government a chance to remove the fears and suspicions and confusion which might have been caused by this Motion. But, unfortunately, the Mover of this Motion deliberately absented himself.

Mr. Speaker, I think it is a high time that this House made a ruling on cases like this, because this is not the first time that a Motion of certain gravity has been given notice in this House only to be withdrawn when the Mover absented himself. If I may recall, Mr. Speaker, there was another Motion which was moved on the famous Kisumu meeting, and the Sessional Committee gave it a priority because we thought that this kind of Motion was drawing us into the cold war, which we must fight against. So we thought that this thing must be discussed. When we came here, the Mover ran away. This is the second time we have had a Motion of great seriousness withdrawn because of the Mover absenting himself. It was moved yesterday and it could have been debated yesterday if the Speaker had agreed to this. Then we find this morning that the Mover has stayed away.

Mr. Speaker, it is very important, or it was very important for the Mover to give evidence to the Government, because it says very clearly in his Motion that he has evidence. Anyone would have thought that the first thing the Mover would have done, would be to give this evidence to the Minister at once so that he could take steps to stop this or arrest those who were responsible for this smuggling. All the same, even if he did not give this information to the Minister, the Motion in this House would have given the

Minister the chance to tell the House and the country the truth, and also the Government could have given the Ministry and the Government the evidence which might help the Government to arrest these people.

Now, it has become the habit of this House to bring Motions every now and then dealing with the ideological struggle. Kenya has been very fortunate in the past not to have been dragged into this kind of struggle. But there is a tendency of this now coming about in the House. I think it is important, whenever a Member of this House, a responsible Member of this House, gives notice of a Motion, he must be there to stand by it and to give evidence and defend it. We should not allow this House to be used as a platform for propaganda. One comes in, gives a notice of a Motion, to get headlines in the newspaper and yet he is not prepared to come and stand here and give evidence.

Mr. Speaker, I was glad that one of the Ministers was about to give evidence, as the speaker says, and it seems that he had some evidence, but he did not give enough evidence. Therefore, it is very important that we have this debated so that we have this evidence. It is also very important to know exactly what Members of this House mean when they refer to communists. There was a story among Europeans; they used to call to all communists, those who were fighting for the wishes of the people. I used to be termed one of them, our President used to be called one of them, our President used to be called one. We want to know, and this is why we want this evidence, to see who these communists are in this country. If it means those who are fighting for the wishes of the people, then I would like to be told.

Therefore, Mr. Speaker, in conclusion, I am glad that the Minister has made this statement saying that he is not aware of it, but this is not enough. We would like to see that this House gives a ruling that if it is necessary, we should move this Member here. We should have the evidence and see that our Government acts upon the evidence.

Mr. Kamau: Mr. Speaker, Sir, I would like to start what I am going to say by saying that the thing which worries people in this House is that we have already achieved our independence, but the thing I have found which worries this House is power because, if we are adopting the African way of socialism, we should not be fighting here for outside ideologies.

I would draw the attention of this House, Mr. Speaker, Sir, to the fact that, whenever we go out of this country as delegates, you find that it

[Mr. Kamau] every country we go to, the delegates return with an Asian hat, with a European hat, with a Russian hat. Now the fact remains, Sir, that every hat, every uniform, which is brought here from outside, represents an ideology which is associated with the country it came from.

Mr. Speaker, Sir, I dare say—

Mr. Anyieni: On a point of order, Mr. Speaker, when the hon. Member was mentioning his hat, the hon. Member behind me did touch my hat. I want to inform hon. Members that I got my hat in Nairobi, near here and any Member who wants to buy a hat like this can go and buy it there.

The Speaker (Mr. Slade): There is no point of order.

Mr. Kamau: I would appeal to anybody in the House, if they are not fighting for unnecessary power, that they should come forward with traditional hats and wear them in this House, not hats which come from outside Kenya.

Mr. Malsori-Jumbo: On a point of order, Mr. Speaker, can the hon. Member substantiate or tell the House which type of national hat he would wish to be used instead of the ones that we have?

The Speaker (Mr. Slade): I am getting rather tired of these false points of order. We are getting too many again.

Mr. Kamau: Mr. Speaker, Sir, I appeal to the real Africans to follow the African way of life, to come forward and give leadership in the country and in the House. In the Kikuyu country, as they had in the past, they have got customs and traditions amongst the people and hon. Members who come here to represent the nation should follow them, because what I have found, Mr. Speaker, in the House, is that what we should have is a real African ideology to which one may hold. I believe that this country can have such an ideology of its own without following any outside ideology, and I think if we are to come forward today united and find out and agree on a principle, that we are adopting the African socialist way of life, there should not be any conflict. This conflict comes because, if, for example, we go about with foreign aid money which I use as my own to be used. These are the allegations which are being made.

I urgently request the Government, from today, that we must stop all these conflicts from outside. If we fight for the freedom of this country, to enjoy the fruits of independence, as an African State, we should, from today, not have these conflicts. We get these people who think, "Today, I

am not somebody, but tomorrow I will be somebody." But if we represent the interests of the real Africans in this country, there would be no conflict of ideology.

Therefore, I appeal to the Members of this House to believe and to trust our way of life. And as long as we have a stable Government, we should not try to adopt anything new from outside. I will end with these words, Mr. Speaker, Sir. Today, if you go round the country, you will hear that so-and-so has got enough money to buy so many Members. Now I am not directing these allegations at anybody. But if a Member knows he was elected by his own people, without bribing them, why should any Member of this House be bribed by another Member, to be put in his pocket? I stand to oppose anybody who agrees to be bought in order to be put in someone's pocket.

Therefore, my conclusion is that we must be proud of our country and not import any new ideology from any outside country which wants to impose on people among us. Let us say that we have got enough people for this country, but we do not want somebody else here.

Mr. Obok: Mr. Speaker, Sir, I do not want to waste the time of the hon. Members as to speak on this Motion. But I wonder, Mr. Speaker, whether we are really sincere when we talk in this House. We should ask ourselves, we, the young men, Members of this House, because if we play around with the leadership of this country, we will find ourselves in a lot of difficulty. Mr. Speaker, rumours in a democracy are dangerous. A Member of this House was recently murdered and that was a serious matter and a thing like this, a Motion saying that arms are being imported into this country, this is not only going to destroy this country and the confidence that has been assured after a lot of work has been done, but it will do other things. What I would like to warn the House of, Mr. Speaker, is that it was only *Sunday Telegraph*, said exactly the same thing, the same words of the Motion, notice of which was given yesterday in this House. The sponsor of this Motion, Mr. Speaker, listed the very wording of that notorious newspaper, which is anti-Kenya and which is bent on sabotaging the work of this independent Government. This is the sort of thing that we should try not to let destroy us, not let it be used by other people for no reason at all.

This is one thing which I think, if we are really sincere in this House, we must think about. The citizens of this country are trying to find out

The Minister for Health and Housing (Mr. O'Leende): What I am trying to point out is that the recent happenings have made some Members very insecure and therefore I would like this House take notice of the fact that there are too many people carrying offensive weapons and the Government should examine whether those weapons are licensed or otherwise.

Rumour outside has it that some of the arms in this country are not bought directly from the shops. I cannot prove that, but this Motion reminded me of the fact that there may be something happening, not because the Government is unaware, because the Minister will come and tells us, but what I would like to say is that this country is a democracy where we are free to go about, freely expressing our views, whether they differ from others or not, and nobody should be frightened that he will be shot dead at the next corner. Therefore, I urge today that we should not discuss this Motion, whether the Mover ran away or not, but the Government should take steps from today to collect all arms that are illegally possessed, and put heavy sentences on those people who carry arms.

Mr. Agar: Thank you, Mr. Speaker, for giving me this chance.

I think this House, as my colleague, the hon. Mr. Alexander said, must be given proper information by the Government which is well informed about these things. A Motion came up for debate in this House this morning, a very serious Motion, which should have gone on into next week. We wanted to know the facts; we wanted to know where the fears come from, what evidence these fellows have, but this seems to have been something fishy going on and this matter has been suppressed. Mr. Speaker, Sir, if it was suppressed by those who initiated it, because probably they had no evidence, but just at the outset somebody thought he was going to embarrass somebody, it is very wrong. On the other hand, if those who know something or who might be connected with things like this are the ones who might have intimidated the Mover, it is also very tragic for this country.

Mr. Speaker, Sir, the background of foreign alliances with us in this country dates from colonial days. The countries in the west and in the east were interested for their own reasons in helping us fight against British colonialism. They supplied us with scholarships to train our people. At that time, there was no question of anybody going through Government channels to educate himself overseas. Therefore, the nationalists were free to smuggle people to America, to Russia and to India, anywhere. After they have come back,

we would not like to hear of Government discriminating against those who come from any foreign country, simply because they were formerly sent by nationalists, because those are nationalists are now in the Government. On the question of foreign money, Mr. Speaker, there is one stand I will always take. It was all right for us to take money from a foreign country and use it to organize our political front, our national front, to overthrow the British. But, Mr. Speaker, as soon as we obtained our Uluru, if we want this country to stand neutral and secure, the Government must take a clear stand. The Cabinet must collectively take a clear stand as to how much foreigners are going to interfere with our Ministers and with our Members of Parliament.

Mr. Speaker, it is quite a different thing to tip ourselves with foreign elements interfering in our affairs and activities and relating to us. It is another thing to discuss and allow ourselves with foreigners to assist us as friends. I was all for people coming from the east and the west to help us as friends, and I request all our Ministers in the Cabinet to channel all our aid from foreign countries particularly from Government sources, to come through our President, to come through the Cabinet, through the Government; individual assistance must stop.

To finish, Mr. Speaker, I quote Abraham Lincoln: quoting from the New Testament, "A house divided against itself cannot stand". This country is suffering from special tensions at the moment. Nobody can ignore them. The Minister for Defence must take steps to see that the fears of the people in this House and outside are cleared. We must make sure that this country belongs to the Africans and not to foreigners. We do not want another Vietnam here; we do not want another Korea here; we do not want another Congo here. So long as the foreign powers interfere with us, whether they come from east or west, Mr. Speaker, this country may be driven to untold conflict and we may have perpetual tension which may divide this country into pieces in future.

The Minister for Internal Security and Defence (Dr. Mungali): Mr. Speaker, Sir, I was up here before when I was speaking on the Motion to assure the people of the country that we have a large police force, intelligence department, Criminal Investigation Department, who are working day and night, and we are quite aware of the dangers that could come in from smuggling of arms. I feel, Sir, that some people did not get the point. I did not want to stand up and say "yes" and "no" before we had the evidence, I did not want

[The Minister for Internal Security and Defence] to kill the Motion notice of which had been given notice in this House; I wanted this Motion to be noted, so that I would have full time to reply. But I do feel, because this will cause a lot of error, whether this Motion is coming later or not, that I still have to go on and say little more.

Mr. Speaker, I was giving the Mover a chance, and everybody else who knows something about it, to speak about it before I talked. I felt it was my duty, at the time, to assure people that they were well protected. Our Special Branch, intelligence department, and the Criminal Investigation Department are for ever on the look-out, particularly for the smuggling of arms which is a danger to any country, be it Kenya or any other country coming through other places even when they are coming through lorries at night to try to smuggle them. We have had some little smuggling of arms from a certain country and that is why we have the *Shifita* movement and we are fighting them, because Kenya's Government has not given the *Shifita* ammunition to fight against our people. We therefore cannot stand up here and say that there is no smuggling of arms, because we know those *Shifita* got them from somewhere and they were not supplied legally by the Kenya Government. This has been told to this House before, and it has been discussed, and you know the Kenya Government has taken action on it and we are taking action about it because we are fighting against them, and we are winning.

On the other hand, there may be some people who think there are large arms which are being smuggled into this country. The intelligence services which we employ are working day and night. I would like to assure this House that as of today our intelligence department, the Criminal Investigation Department and others, do not have anything to show that this is going on. If it was, do you think that the Government would just fold its hands and go to sleep when something like that was going on? It would take action, as I said here before, not only the army, as one of my colleagues said, because I said the army may even go to rest and the Kenya women will handle them. So I included the largest part of the people, because I know the people of this country have confidence in the President of this country and the Government of this country, and if they are called upon to go into action, they will do so immediately.

Mr. Speaker, Sir, we are not the judges, we are just deal with them and then we hand them over to the people who are going to finally finish them

off. If we are called upon to finish them, we shall do the job. Although I have mentioned this before, we bring in cargoes of arms; naturally we have to equip our army so that it is well equipped with modern weapons, and we have to keep on buying new weapons because we do not make any arms in Kenya, we have to buy them. They may come from any place, and as I said before, I am quite willing to negotiate with the Russians, with the Czechoslovaks, with the Americans, with the British, for the best weapons for Kenya, for the Kenya Army and police. Whenever they come, it is the practice of the Government not to advertise the fact and let everybody know what our army has.

Mr. Speaker, Sir, it will be stupid to do so, and our Army is going to continue importing goods, modern weapons, so that they can handle anything which may come up, and I do not feel that I have to advertise this to anybody and tell them the items which we are importing for our police and army. This is confidential information which I cannot give to anybody and it is not necessary that I tell them where we get our weapons and ammunition from, so long as I can assure this House that the army and police are well equipped. I feel that this is our duty, and also to protect this nation.

Finally, we have the East African Customs. I do not say that there have not been some individuals who have tried to bring in some pistols at some time; sometimes they are searched for and found. Sometimes people have been found and they have some weapons, pistols hidden, and they do have some weapons, pistols and the East African are always taken and left. As I do not say Customs. This is always done, but I do not say that it is not possible that an individual could have slipped in one weapon; I cannot always be sure because there is always human error and the East African Customs may have made an error sometime. I am staying on this subject, Sir, because I do not want to be misunderstood, I still would like, if there is any evidence, as indeed there may be. There may be some smuggling of arms which somebody has come to know about, and which maybe this Government does not know about. We would appreciate it if we could be told about this so that we can take action immediately. As I say, we are on the lookout and we are going to continue to be on the lookout.

Finally, I would like to say that we should not be drawn into this could war by those people who make this ammunition. We have to be on our guard. We do not want just to get loads of ammunition over here so that finally we find we are fighting against Uganda, Tanzania or fighting amongst ourselves. Therefore, the control of arms—as one of my colleagues said over here

[Mr. Alexander] believe the Government owe it to this country, before we leave this Chamber within the next half-hour, to tell us here and to tell the country whether they have got any evidence whatsoever. And if they have, Mr. Speaker, what they are doing about it.

We cannot leave this debate today with this cloud over this Chamber and over this country for the next weeks. It will do us internally and externally so much damage that we may never be able to repair it.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I rise to speak on something which I consider to be of grave concern to the people of Kenya, especially when it arises from a very responsible House and from a very responsible hon. Members of Parliament. Mr. Speaker, I am not a capitalist thinker but I am a man of practical ways and I have seen in this House, very deplorably, that the situation here needs some correction. We have a camp of very irresponsible people, all trying to advocate different political ideologies or systems, from the way I have heard them speak. But when the House adjourns, Mr. Speaker, I go as a state parliamentarian, I go back to my constituency as a bewildered politician, unable to face the challenge of my constituents when they ask me where the Parliament is going to—

An hon. Member: Tell them it is going to the dogs.

The Minister for Co-operatives and Marketing (Mr. Ngei): And what shall I say? Where is the Parliament going to? What the people of Kenya will ask is, what is communism, what is Americanism, what is capitalism, what is nepotism, and all sorts of questions. These questions are going to be created in the minds of the people of Kenya who love this country; and we will be creating this in their way of thinking.

Mr. Speaker, Sir, the "ism" must be ours, not anything from outside, not even from Russia, America, England or China. We must build our own "ism". People have stood up and said, "Let us bring in the yellow men." "Let us bring in the Americans and the British." Personally, I have no quarrel with these people. Why should I? Because I am the one who is going to decide what sort of suit I am going to wear, I have to decide what sort of suit I am going to wear. But if the Members of Parliament are going to have other people decide on what sort of ties they are going to buy, we are going to have confusion in this country. And we are the people who are responsible for guiding the people outside this

House; we are responsible for prosperity, progress, but not confusion, in an honourable House like this.

When people are thinking outside or asking in to go back to tell them what we have done, and say that the public money has been wasted, in our coming here and having a new "Magis". When I say this word, "Magis" I do not have how to pronounce it—but it is the Parliament in Persia where people in 1941 or 1951 used to beat each other and they had to think in the way of who was the stronger, not thinking what is best for the people, but thinking that so long as I can shout, so long as I have a slogan to hurl at the other person, the other hon. Member here, then I am the victor. But the masses outside are the people I am worried about.

We have a united Cabinet, but we have a divided Parliament, and we have the people of Kenya, outside the walls of this Chamber. They are waiting to see prosperity. This is serious, Sir, and if I were to cry, if my days of crying were not finished during my days of exile in the struggle to emancipate this country, I would cry for the sons and daughters of our country outside, when I see a responsible crowd of hon. Members throwing mud at each other when we should be sitting down to decide our own set of clothes. Let these "isms" be ours, I am not prepared to get an "ism" from Washington, London, Moscow, Peking or anywhere, even from underground. The suit must be of our own making. The "ism" must be a Kenya "ism".

Thank you, Mr. Speaker.

The Minister for Information, Broadcasting and Tourist (Mr. Achieng-Otienko): Mr. Speaker, Sir, time is limited but I would like to say a few words which are going to be a sort of appeal to the hon. Members of this House. Mr. Speaker, we are fighting a force which is invisible, a force which we cannot touch; and we are trying to stage a war even though we do not know how or where it was started. Why, Mr. Speaker? Here in this House there was a Motion this morning about illegal arms coming into the country. The Mover unfortunately was not here. He absented himself. Now hon. Members of this House stand and say that they can give evidence of such activities.

When we try to get closer to ask for evidence, it seems that these people appear to be alibip.

Mr. Speaker, I think we have already become a victim of something that we do not see and this is very serious. Even though I am on the Front Bench of the Government, I think I should speak for my people and this country. I love this

[The Minister for Information, Broadcasting and Tourist]

country, because I have struggled for it; I spent part of my youth in detention, only to find that I am now fighting against my own brother, who has become the victim of another man from outside who is bringing in, in a very clever way, a means of dividing the country.

People speak of socialism and communism, etc., and yet no one in this country can stand up and define these words. There is only one call which we do understand and that is capitalism; it is something which we have inherited and we are trying to bring it into its proper perspective so that it may be made suitable for use by African people.

There is only one point on which I might feel inclined to speak against my Government. From my point of view, I feel that the Ministry of Economic Planning and Development, came into existence a little too late. Had it come into existence a little earlier, we might have been better able to define our African socialism and we would have been in a much better situation. Now we, Members of Parliament, are being overwhelmed by our own personal interests and when personal interest predominate in any society, a man has got to come out in defence of himself and not in the interest of others.

I would have liked, Mr. Speaker, Sir, to have seen the Mover here today, because there should be somebody in the House who could stand up and say "I have seen a ship coming to this country" or "I have information with regard to this matter".

I remember the President of Kenya telling me the other day that some one had come to his house and told him that such and such a person had brought loads and loads of illegal arms into the country. The President asked him "Where do you think he is hiding them?" The person replied "They are right inside the forest somewhere." Then, the President asked this particular person if he could go there to see these arms and the person replied: "No, because they are so well guarded that you will not be able to reach the place." Now, you can see from this small example that this is just a well planned rumour circulated in order to disrupt the Government.

I am very sorry that Mr. Malinda is not here, but I hope the Minister for Defence will be able to clarify this situation, but he must be careful to get information from the man who alleges that he has evidence. We have said that we have an army, but it is not a matter of having an army there, we must have the confidence of our people or we shall never be self-sufficient. Thank you.

The Minister for Health and Housing (Mr. Otieno): On a point of order, Mr. Speaker, Sir, I see that the argument has taken quite a different turn. I was speaking in terms of a particular subject, but I was cut short and another subject was introduced.

The Speaker (Mr. Slade): Mr. Otieno, any hon. Member can move at any time, as a point of order, the adjournment of the House. That is what Mr. Odings did, and it did interrupt anything else that was going on. But having come on to that new Motion, that the House do now adjourn until the 20th April, you are allowed to speak again and you may speak now; if you like.

The Minister for Health and Housing (Mr. Otieno): Because I wanted to develop something then; now I have not much time.

The Speaker (Mr. Slade): Yes, you have five minutes.

The Minister for Health and Housing (Mr. Otieno): I was saying whether the Members are arguing that people are not confident or not, the point is this: that, at present, in Kenya, we have got a lot of rumours going around. Not only that, but I am appalled at the fact that we have become a people who go about with revolvers and pistols in our pockets, even in our own Parliament.

Mr. Odinyi: On a point of order, I would like the Minister to substantiate to the House that some Members do come in with pistols in their pockets, because it was only recently that the Speaker made it quite clear that no Member was to come into the Chamber with arms. All arms were to be left outside. Now, could the Minister substantiate his statement that some Members come into the Chamber with arms?

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I thought I was helping hon. Members, but if their substantiation on that statement, I think I shall have to withdraw it.

The Speaker (Mr. Slade): If you know of any hon. Member, or if it comes to your notice that there are any hon. Members who are carrying fire-arms anywhere in this building, the Sergeant-at-Arms must be informed.

Mr. Oboki: I think it was in this House some time last year that I saw a Minister with a pistol and I informed you and you gave a warning the following afternoon with regard to the carrying of fire-arms inside the building.

The Speaker (Mr. Slade): I would not like it to be suggested that Ministers are not Members of Parliament!

[The Minister for Labour and Social Services] Member, that we will be hanged. He actually told me that we will all be hanged. Mr. Speaker, Sir, I was not alone.

The Speaker (Mr. Slade): I shall give hon. Members one more warning. Any more disorder, and I shall suspend the sittings of this House and we will have to sit another day to move the adjournment of it. No more warnings.

Will you continue, Mr. Mwendwa?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I was told actually that we will be hanged and that in this country there is going to be the biggest riot ever seen anywhere. My answer was, when the hon. Member said they were going to hang us, where will I be? I will be able to fight. That is what I replied. What have I got to apologize for?

The Speaker (Mr. Slade): Order! This is a most unfortunate argument, but you had better continue and explain, Mr. Oduya.

Mr. Oduya: Mr. Speaker, Sir, the Minister has alleged that I told him that all the Ministers were going to be hanged, that I personally said that. He said I told him that all the Ministers of the Government were going to be hanged. Now could he produce the Members he alleged, because I remember I only sat with the Minister one evening, not at a table, on an occasion when we had got several Members with us; I think I remember Mr. Muliro, the Member for Trans Nzoia. He was also there. And when we were discussing things generally, just joking, and the Minister, who has been my friend for a long time, now says this. But I did not tell him anything about the policy that we believed in the platform which involved hanging the Government—

The Speaker (Mr. Slade): Order! No, Mr. Oduya. Sit down. It is apparent to me, being familiar with the hon. Members concerned, that what started as a joke has been taken seriously both ways. But I do warn hon. Members to be a little more careful about their jokes when there is such tension as we have today.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Koethe): On a point of order, Mr. Speaker, I thought this was a Motion for half an hour only and that the Ministry was quite keen to have this matter thrashed out thoroughly. Is it not time now that we move to the next Order so that this is brought another day when we can deal with it thoroughly?

The Speaker (Mr. Slade): No, a Motion for adjournment of this kind continues until it is

withdrawn, or until it is properly superseded by some other business. It could be superseded by a substantive Motion, raised on a point of order, that the House do now adjourn until another date. But it continues until that time.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE: TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY.

The Vice-President (Mr. Odings): On a point of order, Mr. Speaker, Sir, I beg to move that this House do now adjourn until Tuesday, 20th April 1965.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Koethe) seconded.

The Speaker (Mr. Slade): I will explain. That can be moved as a point of order, and I have to deal with it when it is so moved.

(Question proposed)

The Assistant Minister for Finance (Mr. Okello-Odongo): Mr. Speaker, Sir, I would like to support this Motion, and, at the same time, I would like to say a few words with regard to our work in the Kenya Government and in this Parliament.

Mr. Speaker, Sir, I feel that we have always said that in Kenya we are non-aligned and that in the world we are not taking the East way or the West way; and that we are going to remain African and we are going to adopt what is practical for us.

Mr. Speaker, Sir, this is a very important ideology and I do believe that when a Minister was talking about this a while ago—

The Speaker (Mr. Slade): Order! Would hon. Members please leave the Chamber more quietly.

The Assistant Minister for Finance (Mr. Okello-Odongo): When one of the Minister was talking about an ideology that he had, during the time that he was fighting British colonialism, I do trust that he was fighting British colonialism, I do trust that this was the ideology, that this should be an African country and that we should endeavour to solve our problems and endeavour to live with our fellow human beings as equals and as people of Africa. If this is the case, Mr. Speaker, I think we have reached a point in Kenya where we need to re-examine ourselves and find out where we are going. I am saying this. Mr. Speaker, because, recently, people have taken to using slogans, labels and all that. People are called Communists, people are called British stooges, people are called American stooges and also Chinese stooges and what not.

[The Assistant Minister for Finance]

Now, Sir, it is important, because those whom we call American stooges or those we call Communists are all Kenya citizens and we are all Africans and are all interested in the interests of the people of this country and the Government of this country. Now a house which is divided against itself cannot be expected to stand, and I think it is very important that we, as the leaders of this country, elected by the people of this country, to lead them out of colonialism and to lead them to a better world and a better country, need to take this very seriously. We need to find out just what a Communist is and just what an American stooge is and just what is wrong in the Government and in this country.

Now this word "communism" is not new to us. Long ago our President was one of the chief Communists and was somebody who was very evil, so we were told, and somebody we should not follow. We were told this several years back. The thing is that some of us believed it, and some of us did not believe it.

Now, it seems that those of us who did not believe it—

Mr. Shikuku: On a point of order, Mr. Speaker, I seek your guidance on this. I was wondering whether we have discontinued the original Motion on the adjournment and whether the hon. Vice-President has moved another Motion on the adjournment which has nothing to do with the matter we have been discussing.

The Speaker (Mr. Slade): Order! It is quite reasonable for Mr. Shikuku to raise this question, but on a substantive Motion for the adjournment of the House, hon. Members are free to discuss about anything, either on the grounds of not supporting because it has to be considered, or as food for consideration or action by Government, before the House sits again. We do not allow references in the way to a debate which has been concluded; but a Motion for the adjournment of the House, raising a matter for debate without a vote, does not conclude the matter, as there is no vote taken. So hon. Members are entitled, in the course of this debate on the adjournment of the House, to refer to the same sort of matter as was raised by the other Motion for adjournment under Standing Order 14, which has now been superseded.

The Assistant Minister for Finance (Mr. Okello-Odongo): Thank you, Mr. Speaker, Sir.

To go on, I think it is very important that we take quite clear in our minds and we know what we are talking about. If the people who are being

labelled as communists now are being labelled that in the same sense as our President was called a communist, then we need to know that. But if the people who have been called communists are communists and have a Communist Party in Kenya, with an office, and are having an organization, in the way any organization can be formed and people can belong to it, if there is such an association in Kenya, then we should also know. If it is being used as in the colonial days, in that anyone who fought for the Africans and who fought for democracy and who fought for the progress of African progress and economic progress was labelled a communist, if that is the way, then we should also know about it. If that is the way, then we will also examine the position of, say, the American stooge or the British stooge.

Mr. Speaker, Sir, I would like to say that I am for the African line and the African ideology.

I think, in conclusion, I would like to say that the people who come up with this idea of persons belonging to one group and others belonging to another group need to make some explanation and do away with this injustice to this country. We have already resolved, since the time of independence, to have African socialism. This is going to be given to us by the Government and I do not see why people do not wait and see what the Government has done and follow that—

The Speaker (Mr. Slade): I am afraid your time is up.

Mr. Alexander: Mr. Speaker, Sir, the paper we have received about our schedule for the rest of the year shows we will not meet again, as a result of this Motion, until 20th April, roughly three weeks from now. We depart from this Chamber today with a very serious cloud over our heads. There has been a Motion tabled which says there is evidence of arms coming into this country. We had the Minister for Health interrupted in the middle of what he was going to say, and he seemed to be on the point of giving some evidence. We heard the Member for Kilifi say that if only that Motion had been debated, we would have had some evidence. We had the Minister for Security—and it is most unfortunate that he seems to have left the Chamber—telling us what an excellent Army, Police Force and General Service Unit we have. I am sure we are encouraged by this and we entirely agree, but what we have not got from the Government is whether they have got any evidence. The Government have got all the tools, all the instruments, to detect this sort of horrible crime; they have the C.I.D. and they have the Special Branch. I

[The Minister for Internal Security and Defence] calling on the army at all, because the general population of this nation is behind the President and the Government and the Members of this House. Even if we did not call upon the men to deal with those people who are dreaming of a revolution, the men and the army can stand behind the women of Kenya who deal with those revolutionaries.

Mr. Ngala-Abok: Mr. Speaker, Sir, it is not in order for me to demand that the Minister for Defence states whether there is evidence, as far as his Ministry is concerned, of arms being smuggled, because the Ministry has only assured us that he will defend the country and he has not stated whether he has any evidence of these arms being smuggled—

The Speaker (Mr. Slade): You can ask these things, Mr. Ngala-Abok, but not as a point of order.

Mr. Ngala: Mr. Speaker, Sir, first of all I would like to say that this Motion is very important and serious and it is very unfortunate that the Mover has not been here to move it, because he would have given the evidence.

Mr. Speaker, Sir, some of the Members who are very noisy in this House, when we were fighting for our independence, were eating potatoes with their mothers somewhere. We feel strongly that we have just finished fighting against imperialism, but we are bound to finish it, but there are some other who shout very loudly and yet they want another from of imperialism in the form of communism to come into this country—

Mr. Anyien: On a point of order, Mr. Speaker, the hon. Member has alleged that there are some young men who were in their mother's womb at that time. He has said that some of these are planning to introduce Governments of different types. Would the Member say which Members are trying to do this.

The Speaker (Mr. Slade): Order! I do not think the hon. Member said any Member was doing this particular thing. If we go on these points of order, we shall never get any value out of this debate. Will hon. Members please preserve a little order.

Mr. Ngala: Mr. Speaker, Sir, we can never put this country in order if Members are not going to be patient enough to hear the views of other Members when we are patient and listen to views. For this matter I would like to say that the Government, the Minister responsible, the Minister for Information, Broadcasting and

Tourism, have the duty of telling us what is going on. Fortunately, the statement that was made by the Minister gave every assurance that anybody who is trying to smuggle, or anybody who is trying to upset our Government, the Minister would deal with him, and we would be behind the Minister.

Mr. Speaker, Sir, I would like to put one document here, if I may, which shows that our country is in danger of invasion by people of this kind of thinking. Mr. Speaker, Sir, here is a book which was written by somebody from the East.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Oneko): On a point of order, Mr. Speaker, Sir, he is referring to this document with all the matters in, and I would just like to know from the hon. Member what source he got it and where it was written!

The Speaker (Mr. Slade): Of course he has not stated the nature of the document, but not the source from where it came.

Mr. Ngala: I was just doing that if the Minister wants to see where it is written and where it comes from, then I can give it to him, but as Minister for Information, he should know and be able to tell us where it comes from.

Mr. Speaker, on page 27 of this paper, I say that the revolution will spread in Kenya and Uganda, nationalists and reactionaries such as Mr. Nyerere, Mr. Kenyatta and Mr. Obote will try to talk out of both sides of their mouths at the same time, and they will suffer the same fate as the former Sultan of Zanzibar did, when his Government fell and he was banished. This is why, Mr. Speaker Sir, I feel that it is very unfortunate that the Mover was not here, because then I would have given clear evidence that this country is in danger, and I would like to warn the Government that this is no time to sleep, it is no time to be carelessly confident. We have to be very, very ruthless about this matter, because we have fought for the independence of this country by death and sweat, and therefore anyone who wants to use it in this manner, then I thoroughly disagree with him.

Now, Mr. Speaker, Sir, this document is addressed to the militant people of Africa. Who are these militant people of Africa? These militant people of Africa are the people who are smuggling these things, and they are wanted to give evidence. Mr. Speaker, Sir, even the policy of socialism is condemned by these militants. Our Government stands for African socialism. In this document I quote, Mr. Speaker, Sir, these people should wait while I speak.

The Assistant Minister for Finance (Mr. Okelo-Oboto): Mr. Speaker, Sir, I would like to seek your guidance. There could be several sources of papers, one could get a paper from South Africa, start reading it and say how the white, black and so forth—. It seems to me to be a bit out of order, that the last speaker should dwell on this document which we do not know, and whose writer—

The Speaker (Mr. Slade): Order! Hon. Members are entitled to refer to any document, if they will say what it is and where they obtained it from. Mr. Ngala has not yet said where he obtained it from, but he has said what it is.

Mr. Ngala: Mr. Speaker, Sir, on page 6 of this document, it states "the time has arrived to condemn African socialism and to expose its full import. All African political activities should be aware of the statements made by the two Marxists of Africa. It goes on to say that "what we want is scientific socialism not African socialism". Mr. Speaker, Sir, these people purport to belong to us and they want scientific socialism and not African socialism!

The Speaker (Mr. Slade): Order! Order! I think the House wants to get on with discussing this matter, but if they cannot keep order, then I shall have to resort to the extreme measure of suspending the sitting. You do not want that.

Mr. Makokha: On a point of order, Mr. Speaker, Sir, in view of the fact that the speaker says that he would have given evidence that arms were being brought into this country, is there any way in which we could ask him to go and tell the Minister for Internal Security and Defence?

Mr. Ngala: Mr. Speaker, Sir, some hon. Members have said that they have asked me about African socialism. The Minister responsible has been on the ground for one or two weeks, he will give us a policy which is adopted on the East of our own Kenya policy and our own Kenya socialism. We shall be satisfied with this policy and the majority of this House will support the Government on this paper.

As I say that I would like to end, by stating that it is very unfortunate we cannot debate this Motion today; the evidence is all here and we would have given it.

The Speaker (Mr. Slade): Order! Order!

The Minister for Health and Housing (Mr. Oduya): Mr. Speaker, Sir, I stand here because of two reasons.

One of the reasons is that I happen to be one of the very first people who started the first political union in Kenya, and for 20 years I have had an ideology, and when I hear that someone else is raising his ideology, I am out on the warpath. We did not fight the British Government, and we did not send away the Europeans, so that the yellow men could take over our country. They may not come in a straightforward manner, of gun-boat policy, like the British used to do, own a few houses down and then declare the country taken. They have a more sinister manner in which they come; they influence the minds of the people, and therefore, although the Mover of this Motion is not here, I thank him because he has pointed to a danger which is now in this country, which we want to save today. We do not want to hear outside this Parliament that this Government can be given only six months and—

Mr. Oduya: On a point of order, Mr. Speaker, Sir, is it in order when the Minister for Health and Housing is speaking, that the Minister for Labour—

The Speaker (Mr. Slade): Five times, during the last fortnight, I have said that hon. Members' points of orders will be heard in silence, and the answers in silence. If there is any further disorder in disregard of that direction, then the Member responsible will be sent out.

Mr. Oduya: Mr. Speaker, Sir, is it in order when the Minister for Health and Housing is speaking for the Minister for Labour and Social Services to point to other Members, and especially point at me when the Minister referred to the question of the Government being given six months? He pointed at me, as if to say that I was the one. Now, Mr. Speaker, Sir, is it in order and could the Minister be called upon to substantiate that I have said at any public rally that the Government is being given under six months notice, because it seems that when we speak on this issue, some Members are thinking, in their minds, that certain people are communists. Now this could be crushed, and made very clear, that the people should not think about. This is very serious, Mr. Speaker, Sir.

The Speaker (Mr. Slade): The Minister is utterly out of order, and should apologize.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I am not going to apologize to something which can substantiate. I can speak for myself. The other day—and I can swear that this is the truth—when I was having tea there, I was told by a Member, this

[Mr. Anylen]

great challenge and I think is a matter of concern for our Minister for Internal Security and Defence, because he should have known this in order that people could have been dealt with, without giving notice to this House, because if it is true that arms are coming into this country and since the fact has been made public these people have a good opportunity to hide these arms, and we will never get to know the truth.

Mr. Speaker, as you know, in the past, there have been many instances in which people have referred to certain Members as being communists. I do not know whether you were informed with regard to this matter, but some time ago several documents, which I might say were unsigned, were circulated saying that some of us were called big-mouthed communists. Now, this Mr. Speaker, is very dangerous for us because if it is true that certain Members can sit in a place and say that certain Members are communists, and they bring a Motion to this House to the effect that the communists are bringing arms into the country, then it is saying that a person like myself is aiding communists in the shipping of arms into the country and trying to overthrow the Government.

Mr. Speaker, you may not have been aware of certain rumours in overseas newspapers to the effect that some communists in this country are trying to ship arms into this country and they have made these statements in connexion with the Vice-President and a few Members of the Cabinet. We would like the Government to take a stand in order to stop any arms, if they are being brought into the country, or stop the spread of rumours which are introducing into this country discontent and fear. I must say that there are people in this House who have no confidence in the leadership of the President, so much so that they want to do something which will overthrow him.

With those few words, Mr. Speaker, I hope that the Government will take very strong action in this matter to see that these rumours are suppressed and investigate this situation on the whole and see that this House will not be used as a means of bringing Motions just for the sake of moving and then when the Mover does not wish to substantiate the allegations, he simply absents himself.

The Speaker (Mr. Slade): Mr. Mulliro, you are seconding the Motion?

Mr. Mulliro: Yes, Sir.

Mr. Speaker, Sir, I think this hon. Member who gave notice of this Motion in this House did a disservice to Kenya, because the very same hon.

Member was in this House and he came to this House to claim his Sh. 120 and then walked out—

The Speaker (Mr. Slade): Mr. Mulliro, it was not to discuss the conduct of Mr. Malinda that I allowed this very special procedure for moving the adjournment of the House. It is to discuss what is alleged by Mr. Malinda's Notice of Motion, and we must wait to hear his explanation before judging his conduct, what we must now discuss is the substance of the allegation made by the Motion.

Mr. Mulliro: Thank you very much, Mr. Speaker.

This is a very serious Motion which will have very serious repercussions throughout the country and today the House has been denied the right to hear the information and the evidence which led to the introduction of a Motion like this in this House. Sir, if hon. Members in this House are to safeguard the independence of our country, those who get information like that which led to the giving of notice of such Motion here should see the Government, they should see the Minister responsible in the Government and give that information. Why should these hon. Members go behind closed doors and discuss things in secret at night, and then come here to alarm the country, to create despondency, frustration, among the investors and people of this country? The Sir, is a very, very serious issue. If there was any way by which we could appoint a Committee of this House to investigate these allegations, we would be helping our country. We cannot accept this very irresponsible attitude from hon. Members who ought to know better, hon. Members who are in charge of the affairs of the Nation.

The Speaker (Mr. Slade): Order, order, I say again that it is not for the purpose of criticising Mr. Malinda's notice of Motion, or his absence, that I have allowed a Motion for the adjournment of this House now. It is for the purpose of discussing the matter raised by that notice of Motion.

Mr. Mulliro: Mr. Speaker, Sir, I terminate my speech by asking the Minister for Internal Security if he has any information to give to this House, in order to allay the fears which have been created by this irresponsible act.

(Question proposed)

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I consider this to be a very serious issue and I think it would be very, very interesting for this country to know the sources of information and evidence from where

[The Assistant Minister for Education]

this particular Member or group of persons, who have the knowledge that there are some arrangements from overseas for other places for smuggling arms into this country with the intention of over-throwing our Government, obtained their information to the Minister responsible for the security and defence of this country and, instead, they saw fit to bring such a Motion into this House, as if there was some differences of opinion as to whether or not there were some people who would like to support a revolution or who were opposed to a revolution. I consider, Mr. Speaker, that this kind of Motion, being the intention of trying—

The Speaker (Mr. Slade): Order. For the third time, we are not here to discuss the merits of giving notice of such a Motion; we are here to discuss the substance of the notice of Motion.

The Assistant Minister for Education (Mr. Mutiso): Thank you very much, Mr. Speaker. I would like to try and confine myself to the substance of the Motion and to state with all the power and energy I have that this allegation is the most serious kind of allegation that this country has ever heard. I think, Mr. Speaker, it would be very fitting for the Minister for Defence to state very clearly in this House whether he has any knowledge of this allegation, and if we find that the Minister responsible for the security and defence of this State is not aware of such an allegation, then I think it would be very fitting for this House to demand an explanation from the person responsible as to what was the substance of the Motion, whether it was to alert the Government and people of this country or to try and create a bad feeling of distaste, locally and overseas, or if it was with the intention of trying to humiliate the Minister responsible for defence, as if he was incapable of handling or looking for the evidence and all sorts of information which would lead to this kind of action which is being perhaps organized in the country.

So, Mr. Speaker, without taking much time of the House, I would personally demand that we must have a clear statement from the Minister for Defence and should this House fail to be satisfied by the statement given by the Minister, or should we find that the Minister is not aware of the Government as a whole is not aware of this allegation, then this House should demand the reasons why this Motion was introduced.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, this Motion is

a very serious one as far as the Government, Members of this House and the people of this country generally are concerned. It says that, "in view of the evidence that arms and ammunition are continuously being smuggled from communist countries and others"; and I should have welcomed and the Government would have welcomed having this Motion debated in full, so that we can answer in full. I want to answer this Motion in full. What I do not want is just to make a statement here and dismiss everything. There may be evidence that this is happening, so I want to answer it. Why should I not answer it, if there is?

However, what I would like to assure this House and the people of the nation that if there is anybody who has in mind to smuggle weapons or even to start a revolution, he is going to find that the Kenya Army is not asleep. I want to assure the whole nation—because the kind of publicity that goes out with this sort of Motion may be from various people and various papers—that the Kenya army is ready and will be prepared to handle any of these people who try smuggling or bringing about any kind of revolution in Kenya to upset this popularly elected Government.

The Kenya army, the General Service Unit and the Kenya police are all loyal to this Government, and there is nobody better trained than those three branches of the armed forces to deal with those who come into Kenya, either from within our outside to try and upset this Government. So if anybody has that in mind, let him think again.

To go beyond that, let me also say that the Kenya Government is not limited to buying weapons and ammunition from any particular country, whether the country be communist or not, capitalist or not, if we find that the weapons and ammunition from those countries are suitable for Kenya and the Kenya Army and police, we are going to purchase them if the price is right. I want to make this very clear because I am not evading the Motion. I am just reassuring the people of the nation, that wherever we find good weapons, so long as they are suitable and the price is right, we are not going to hesitate because we are not aligned to any big powers. I say that when we feel we want American ammunition, British ammunition, Russian ammunition, or ammunition from anywhere, we shall get it.

Finally, for those people who are thinking of bringing about a revolution, I would like to assure them that the people of this country are fully behind the Government and even if we did not call out the Army, the people themselves would deal with such revolutionaries without

[The Minister for Economic Planning and Development]

policy; and that the Government, in the next few weeks, intends to make public its approach to the land problem, including, if necessary, the setting up of a working party to investigate the whole land problem.

The Assistant Minister for Health and Housing (Mr. Moss): On a point of order, Sir, may I seek your guidance as to whether it is proper for a Government Minister to remain in this Chamber and abstain from voting?

The Deputy Speaker (Dr. De Souza): Order! That has nothing to do with a point of order. The Speaker cannot rule on a point of order about the voting of a Member for a Motion or against it. It has nothing to do with the Speaker or with a point of order.

Mr. Ochwada: Mr. Deputy Speaker, Sir,—

The Deputy Speaker (Dr. De Souza): No, I am afraid that no speeches are allowed.

I must tell the House that we do not want to raise different points on this debate or to rise on points of order. Once it was over, the Government wanted to make a Ministerial statement, as the Government had defeated the Motion. I could perhaps take a point of order on something which has nothing to do with that debate.

Mr. Anyieni: Mr. Deputy Speaker, this is too much. I thought that you would allow me, since I moved that Motion, to make a short statement of appreciation of the Minister's statement.

The Deputy Speaker (Dr. De Souza): No, Mr. Anyieni, you can raise a point of order, but you cannot make a speech to appreciate what the hon. Minister said. That is 'out of order. I think I must be firm.

Mr. Ochwada: On a point of order, Mr. Deputy Speaker, since the Assistant Minister and other Members do not seem to realize that Ministers and Assistant Ministers are in this House, as elected Members of this House can you make the position clear to some of the hon. Members who may not be aware that Ministers can exercise their right to vote, as the Assistant Minister for Health has suggested?

The Deputy Speaker (Dr. De Souza): Order, order! I have already stated that it is not part of the Speaker's or the Deputy Speaker's duty to comment on any vote or any abstention from any vote.

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

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

MOTION

SMUGGLING OF ARMS AND AMMUNITION

The Speaker (Mr. Slade): If Mr. Malinda is not here, we will go on to the next order.

POINT OF ORDER

ABSENCE OF MOVER OF MOTION

Mr. Makokha: On a point of order, Mr. Speaker, in view of the fact that the allegation in this Motion are very strong and very serious, and have received high priority in the Press, is there any way in which this House can force this hon. Member to make a statement to the House as to the reasons why he saw fit not to be present?

The Speaker (Mr. Slade): Yes, I think, in a case of this kind, it would be right to require the hon. Member who gave notice of this Motion and who wanted it to be put on the Order Paper to make a personal statement when he is available, explaining why he was not here to move it.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): On a point of order, Mr. Speaker, I noticed that the hon. Member who intended to move this Motion was in the House, and that, therefore, he is due for payment for today's sitting. In view of the seriousness of this particular Motion, which is going to upset the whole of Kenya, and which may also upset the tourist industry of this country, can we be advised, further by you, Sir, what can be done and whether it is in order to look for the Member by sending out police officers?

The Speaker (Mr. Slade): No, we have no power to ask the police to look for Members. I am glad to say.

As I say, it would be reasonable to ask for an explanation and I shall ask Mr. Malinda to make a Personal Statement to this House as to why he has not appeared to move such a very serious Motion. Now we can do nothing but to move on to the next Order.

Mr. Githoyan: On a point of order, because the Speaker has discretion to allow a Motion which has already been withdrawn to be tabled again, or be discussed in the same session, in view of the fact that this Motion is of National importance and it has already been put before the House and we are very serious about it, could we in the House be allowed, either next week or during the next session, to set a specific time for this Motion?

The Speaker (Mr. Slade): As regards moving again a Motion which an hon. Member has failed

[The Speaker] is true that I can allow that in my discretion; that would depend entirely upon the description that would depend entirely upon the explanation: Mr. Malinda gives as to why he is not here today. It would not in any case prevent me from allowing some other hon. Member to move the same Motion after further notice.

With regard to sittings of the House, that is with the House so far as adjournment goes, and it is up to the Government to say when we will sit again. I have no control of that either.

Mr. Anyieni: On a point of order, Mr. Speaker, this is a very serious allegation which has been made in this House threatening the violent overthrow of the elected Government of our President and this Member has deliberately abstained from coming to move the Motion, despite the fact that he was informed and was here this morning. Would it be in order to demand a statement from the Government, from the Ministry of Internal Security and Defence to explain that the country will not be kept in suspense with regard to this matter and that the country is made aware that there may be a revolution at any time between now and the next time the Parliament sits?

The Speaker (Mr. Slade): I think your right procedure, Mr. Anyieni, if I understand what you want correctly, is to move now, under Standing Order 14, that the House adjourn to discuss this matter. Mr. Ngala-Abok, as you may remember, suggested that yesterday, I had to say then that an allegation of this kind is a definite matter of urgent public importance, so I think you would be entitled to move that this House now adjourn for a discussion of this matter, if you have ten members in support of this Motion. I would point out that it will be superseded by a substantive Motion for the adjournment of the House in about half an hour's time.

Mr. Anyieni: I do so move, Mr. Speaker.

The Speaker (Mr. Slade): You must say what you are moving an adjournment to discuss.

Well, I will say it for you. You are moving the adjournment for the House to discuss the allegations in yesterday's notice of Motion, that arms and ammunition are being secretly smuggled from communist and other foreign countries into Kenya for subversive activities.

Mr. Kamau: On a point of order, Mr. Speaker, I would like to seek your guidance on this matter because most of us, including myself, may be interested in knowing how to discuss a question

of this nature in a case where the Mover has absented himself. Could you please advise the junior Members of Parliament, on how this type of Motion which is not being directed by the Mover, will be depicted, because I see the seriousness of the Motion and I would like to get your guidance in order that we may have a clarification as to how this Motion is going to be moved?

The Speaker (Mr. Slade): We are now away from the actual Motion that Mr. Malinda wanted to move. That is not going to come before the House today. What we are now working is Standing Order 14, which allows procedural adjournment on a Motion for adjournment in order to discuss a particular matter with no vote being taken. This is similar to the procedure which we sometimes have on adjournment of the House in the last half hour. What happens now is that they move that the House do now adjourn, and I propose the question formally, and if any hon. Member wishes to speak he may do so on this issue upon which the allegation is made. So you move that this House does now adjourn, Mr. Anyieni?

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, just before he moves Mr. Speaker, my point of order is that with regard to a Specially Elected Member, is it possible for this House to pass a vote of no confidence in him?

The Speaker (Mr. Slade): Order, order. No, there is no such thing as a vote of no confidence in a Specially Elected Member.

MOTION FOR THE ADJOURNMENT

(Under S.O. 14)

ALLEGATIONS OF ARMS SMUGGLING

Mr. Anyieni: Mr. Speaker, Sir, in moving that the House do adjourn, the point was not, as a matter of fact to discuss this Motion. I believe, Mr. Speaker, that this matter may be very serious, because when the hon. Member gave the notice, there were a great many fears, etc. Many Members felt that it was not a very serious matter, but it must be kept in mind that when this type of thing goes to the country it can be a very serious matter and for that reason and since we do have a very capable Government, that priority should be given to the security of this country and to the elected Government of this country. Mr. Speaker, if there are some communists who are trying to ship arms into this country or any other countries in order that they may throw our country into a bloody revolution, we would like to know. This, Mr. Speaker, I believe comes as a

[Mr. Anyien]

Member went further, deviating from the Motion and said that the Kisiu have too much land and as a result they had to import some members of other tribes to settle in the Kisiu District. Honestly speaking, Mr. Speaker, he could not substantiate what he said, and I was wondering whether this Member was really trying to represent the people of his tribe who may be living in Kisiu. I told him that if the people in Kisiu did have any spare land, I could not see how we could be so selfish as to refuse a brother the opportunity of coming to live with us. I think that this is a typical example of the spirit of African socialism in practice. If the hon. Member was trying to tell us that the Kisiu Members should take no steps to remove these people, then I do not know what his purpose was in trying to represent them in the way he did.

Mr. Speaker, another thing I would like to point out is that this Motion has nothing to do, for example, with the African reserves. If a person has a great deal of land in the African reserves, this Motion will not affect him at all. The hon. Member, Mr. Moi, can have one million acres, and if this is in the reserve this Motion has nothing to do with it. This Motion has made it very clear that it has nothing to do with it. What I am saying, Mr. Speaker, and this is a very important point, is that you find that some members like myself, like the hon. Minister for Home Affairs, have got a piece of land. I have not got the right to blame him, because there is no ruling on the amount of land which he is allowed to buy, and he has the right to buy as much as one million acres. That being the case, Mr. Speaker, anyone can buy as much land as he wishes because there is no law. That is why I am saying that the Government should set up a committee, and perhaps the Minister for Economic Planning, should be the gentleman who should have the responsibility of doing this part of our planned economy, so that no one will be able to accuse any one else of buying too much land. I believe it would be in keeping with Government policy. Mr. Speaker, I would like to say that this is in keeping with our policy of urging people to go back to the land. We always say that people should go back to the land. We do not want only a few people to go back to the land, we want as many people as possible to go back to the land. Therefore I do not see why anyone should want to try to misrepresent this Motion.

Another thing I would like to bring up at this time, Mr. Speaker, is that I do not see here why we should have a common maximum in all areas because this cannot work.

When I was speaking I made it very clear that in some areas it might be necessary to allow 2,000 acres or even 3,000. It is not me who is going to set up a policy of land reform, but a committee, especially appointed to do the job. Mr. Speaker, I would like to say that even I would like to buy a piece of land, but there is no principle to guide me. One hon. Member from my district bought a piece of land in the Scheduled Areas, then when I went home I had a lot of people saying that he has bought too much land, but he bought only 100 acres. So we would like this to be made clear. If Government says this is enough, then I can also think of going to buy a piece of land in some place.

The other thing is this, Mr. Speaker. The hon. Mr. Nyagah did say that this was not a Motion to be brought into this House, that this should have been done through the Party. Mr. Speaker, I am not an official of Kanu and therefore I cannot call on the Party to discuss the land policy. The only place I can bring a thing like this is in the House where we have Members elected by the people we are trying to represent here. One hon. Member, Mr. Speaker, was saying that I was trying to claim the credit of representing the people. I have never done this and I have always said that I am the Member for Majengo-Bassi, and that is all; I am no more. This being the case, Mr. Speaker, I would like to say that nobody should try and misunderstand what I have tried to say. When I ask that the Government should set up a committee, it should be understood that if this is not done—and here I must be very honest—if we allow a few individuals to buy as much land as they wish, this is going to create a class struggle in our country which is not in the interest of the Government, nor in the interest of the people of this country. This being the case, Mr. Speaker, I would like to say that whoever accuses me of behaving as if I was the champion of the African cause, if he feels that he is not the champion of the African cause, it is his own mistake. I believe, as a representative of the people, I have as much right as any hon. Member here to champion the rights of the people of our country.

Mr. Speaker, I would like to say that the hon. Assistant Minister for Lands and Settlement has been trying to speak very loudly and he has confessed that he personally does not have as much of land. That being the case, he is all right because he is a Member and he is a Minister, but he must also know that he is not alone in this respect. There are people from his own constituency who do not have any land. If we allow a few people who have money today to buy

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[Mr. Anyien]

almost all the land, when is the hon. Member going to have a chance? Mr. Speaker, it must be understood that today many of the African people may not have enough money to buy any land. If we give them time, later on they may be able to afford a few shillings to pay for the land, but if we allow the few people who have land, today to buy all the land without any restriction, they are going to buy all the land and then they will start selling it back to the poor people, and they may charge prices which the Government may not be able to approve.

With these few words, Mr. Speaker, I would like to tell the hon. Minister for Information that I am not going to withdraw from this Motion today. We are going to vote for this Motion. I may be alone in voting for it, but one thing will be made clear: that is, that the majority of Members of this House do not want any restriction on land, they want to allow Asians, Africans and Europeans to own as much land as possible. Let nobody mistake—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member in order to insinuate that it is the view of people in this House that land should be given to the Asians, and so forth?

The Speaker (Mr. Slade): Order, order. It is quite in order for an hon. Member to express his own views, and to say he thinks he is expressing the views of others.

Mr. Anyien: I should say that the hon. Members should accuse me if I went too far, but what I was saying is that if today the majority of Members vote against the Motion, then they do not disapprove of the idea of Anyien, if he has money, buying the whole of Kenya and putting it in his own pocket.

With those few words, Mr. Speaker, I beg to move the Motion.

DIVISION

(Question put and the House divided)

(Question negatived by 51 votes to 24)

AYES: Messrs. Agar, Anyien, Bala, Bonaya, Gacasia, Gichoya, Godin, Jubat, Kagga, Kali, Kire, Khalif, Kioko, Makokha, Masinde, Mat, Mumba, Ndule, Ngala-Abok, Obok, Odedo-Sar, Oduya, Oseku-Nyatick, Warithi.

Tellers for the Ayes: Messrs. Gichoya and Mai.

NOES: Messrs. Alexander, Amin, Ayudo, Barasa, By, Bonnet, Chirchir, Gachago, Godana,

G. Kerich, Khasakhala, Kiano, Kibuga, Kiprotich, Koinange, Lorema, Maisori-Iumbo, Mai, Matano, Mate, Mbat, Mboya, Mohamed, Moli, Moss, Muliro, Murgor, Mwalwa, Mwananzind, Mwanunyuma, Mwatama, Ngala, Ngigi, Nienu, Njiriri, Nyaga, Nyagah, Odedo-Joyo, Odinga, Okwendo, Omar, Onoveri, Onama, Osoyo, Otiende, Soi, Theuri, Tipis, Too, Tuwei, Wamunthanya.

Tellers for the Noes: Messrs. Masinde and Oduya.

MINISTERIAL STATEMENT

GOVERNMENT POLICY ON LAND

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, Sir, the result of the division on the Motion that has just been before the House should be explained so as to avoid any misunderstanding as regards the Government's attitude on this very important and sensitive issue. I want to make it quite clear that the Government, like those who voted for the Motion, has very strong feelings on the land question. I want to make it quite clear that the Government has always been concerned that there should be a thorough review of the land policy for the country. It was not possible to accept this Motion; and indeed, my colleague, the Minister for Information, Broadcasting and Tourism, pointed out in his speech that it might have been wiser for the Mover of the Motion, having expressed the various points of view, to withdraw it because at this very moment the Government is engaged in the revision of the development plan and, among those issues that are receiving priority in that revision, is the entire question of land policy.

Now, Sir, it was only a matter of waiting for a few more weeks to receive this Government's policy statement. I am sorry that the Mover and his supporters did not see fit to exercise a little restraint and patience, and wait for this policy. The vote, therefore, is not against the principles outlined but against the unfortunate timing and unfortunate insistence on a vote, even after Government assurances of what was being done. Why there was this insistence, I do not know, and I do not wish to go into it.

Mr. Speaker, for reasons that are obvious to the Mover, it was not possible to amend the Motion, and for reasons that were very clearly explained to the Mover.

In conclusion, I want, on behalf of the Government and of those who supported the Government in this Motion, to state, here and now, that Government is not satisfied with the present land

[The Assistant Minister for Lands and Settlement] acres of land, all the coffee estates, all the sisal estates, in the Scheduled Areas, will have to be broken up into very uneconomic units. And in addition to the fact that we want to give our people land, we also have the economy of the country to think about, and farming large areas of land as one unit will be proved to be more economical than breaking them up into smaller units that are uneconomical. The Government must adhere to what is economical for the country.

Mr. Speaker, Sir, we have heard allegations that this Government has failed to allocate land to the poor people, as we promised during our election campaign. What I say, is what about those people whom we have given land in the former White Highlands, these 26,000 families? Most of them were landless, were unemployed. What are these people? Are they not Kenyans? They are Kenyans and, Mr. Speaker, the Government is doing its best to continue trying to find money to continue buying more land so that more poor people can continue to be settled.

We have said that, instead of bringing people from Nairobi, instead of bringing people from the Central Province, from the Coast Province or from anywhere, people who can find alternative employment, the first duty of the Government is to settle those people who have been working on the farms.

The Speaker (Mr. Slade): Order! Will all these private conversations cease, please.

The Assistant Minister for Lands and Settlement (Mr. Gachago): The policy of the Government is first to settle all those landless and poor people who have a long time been working on the farms and who, we presume, had been exploited by the former owner of such land. Is this not to the credit of Government? Why can't one day at least one Member be frank enough to say exactly what this Government has done? When an hon. Member stands in this House and says the Government just allows rich people to buy land and allows people like members to buy land, why can I not see any hon. Member having the courage to stand up in this House and actually give at least credit for one thing to the Government, for what it has done for our people?

Mr. Speaker, Sir, within the Government, we have had consultations with the Ministry of Economic Planning, and Government is intending to produce a statement or an economic plan, an economic development plan. And since, in this country, land is our number one asset, I am sure

that the Government, in producing this plan, will include land and will formulate a land policy.

With this in mind, Mr. Speaker, we cannot accept a Motion like this because what it will do is to jeopardize what the Government is already doing. Mr. Speaker, a Motion like this is very prejudicial to the efforts and the initiative of the Government, in trying to improve the economy and in trying to raise the standard of living of our own people in this country. It is the Government which is more concerned about the poverty of the people, more than any individual Member in this House.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Otienko): Mr. Speaker, Sir, I can see that time is very short and I shall therefore try to be very brief.

Mr. Speaker, the House will remember that just under 1½ days ago the Minister for Economic Planning and Development promised the House that a paper on development would be tabled, and which, of course, would be given to the hon. Members for them to study. I heard one hon. Member mentioning the "Party" The Government will give the Party, the Kenya African National Union; its executive its governing council and district officials, a chance to study the plan. The Party does exist, because we are all Party members. I presume.

Therefore, I am trying to appeal to the House that instead of taking the risk of moving this Motion here today, it would be much better for the House to be patient until next month, when the programme has been tabled. By then, we shall have had the opportunity of studying it and, if necessary, discussing it.

Mr. Speaker, Sir, if there was any point—if the hon. Member would agree to withdraw, we could decide on this particular Motion without even asking for a division or a vote, because I think it is unnecessary; the points have been raised and again, when the hon. Assistant Minister replied on behalf of Government, he appeared to be sympathetic towards what is being said here. At the same time, the hon. Member should have also appreciated what the Kenya Government has done for the country, since it became independent. The Government has done a good job and the Government must be thanked for what it has done. We know that "land is a big bone of contention and we do not want to scare our people when we start talking here, with votes being taken here and there. And probably the assumptions and unnecessary conclusions will be drawn, that the House of Representatives does not appreciate that there are some landless people

[The Minister for Information, Broadcasting and Tourism]

The Government has done its best to settle landless people and it is going to continue. There is to be a comprehensive plan of development by the Minister for Economic Planning and Development, as he promised. He is going to indicate the readiness of the Kenya Government to meet the requirements of the country.

Therefore, the Motion is unnecessary at this moment, and I would like to appeal to the Mover to withdraw this Motion in all good faith, because the plan which we expect to come up in this House will go a very long way to meeting the wishes of the people of Kenya.

Mr. Gichoya: On a point of order, Sir, I would like your guidance on the following point. The Minister says that because we expect a programme of the Government in the coming month or two, we should guide the Ministry or the Government as to what they should do. Are we not, Sir, entitled to inform our Government that we expect these things to be—

The Speaker (Mr. Slade): Order. Of course you are. But the Minister is equally entitled to suggest withdrawal of the Motion if he wants to.

Mr. Mbat: Mr. Speaker, Sir, the subject of this Motion is a matter which concerns everybody. In this case, we do not want this House or some hon. Members of this House to mislead the public along the lines that they are. The importance of the hunger of a particular group of people which are landless should be considered.

Mr. Speaker, it has already been noted that in various sections of this country, the Minister for Lands and Settlement has taken into account the question of the allocation of loans with minimum and maximum acreages quite seriously. Mr. Speaker, Sir, from this point of view, with the few comments which I have made, I beg to oppose the Motion.

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I would like to say just one or two things to clarify the position of the Government on the question of land. It is true that the Kenya Government is faced with the very big problem of settling Kenya Africans on farms which were formerly owned by Europeans. While we are credited with being the only Government in Africa who have been able to settle people on formerly European-owned land so early on, we also know that we have a long way to go. It is one of the points that we have considered and feel that we should improve upon. There are, of course, practical difficulties when it

comes to dealing with land, which no one can ignore. For example, how much land should a person have? In Kenya, we have to consider these problems from two points of view; (1) How much land is good for a person to farm in that particular area. I am told that even in the most fertile sections of Kenya, six hundred acres is the economic unit which can be made to work. In other areas where you graze and the Masai know this very well you need thousands of acres. So, when we speak about the maximum land people own we should bear in mind the quality of the land. (2) We must also be aware that if we ordered the White settlers out, we should replace them with good settlers from this country so that the economic position will not suffer. I have watched with great grief the resentment of Kiangonyi White at one time that area was capable of producing a great deal of wool and wheat for export, that land has now been subdivided according to what we like and what we now produce is only a few beans, potatoes and maize which grow only a few feet high. Now, if you call that wisdom, I am afraid that you are entirely wrong.

The Speaker (Mr. Slade): I am afraid I must interrupt you, because it is time for the Mover to reply.

Mr. Anyilegi: Thank you, Mr. Speaker. Mr. Speaker, I should like to say one thing, and this is that I must thank the Government for the efforts which they have put forward so far in trying to settle the African people on the land. Mr. Speaker, I do not think it would be correct if I did not show my appreciation on behalf of my constituency and if I did not thank the Government for the work they have done so far in settling some of the people on the land.

I would like to say at this time that the hon. Mr. Gichoya made a very good point, which I think should be taken into account, and that is that the main point is to allow as many people on the land as possible, and I believe that, although Government may not accept the Motion, this should be the intention of the Government and this is the intention of the Government.

There was one speech which was made by the hon. Member Mr. Khasi Dala; it was his maiden speech, in which he said that the intention of this Motion was to bring it, let Government reject it and then accuse the Government. The hon. Member must know that all Members of this House have the right to introduce Motions in this House which they believe are representative of the people who elected the Government. The hon.

[The Assistant Minister for Home Affairs]

Mr. Speaker, when we speak of the maximum, we should also bear in mind that there is another word known as minimum, and the word that goes between the minimum and the maximum is average. Mr. Speaker, when we are talking about land, we must bear in mind quite a number of other aspects, such as the valuation of the land, the power of the land to produce so much, and so on. So we might say that this House has approved that each person should have a maximum of ten acres. What will happen if we put him in a place like Isiolo and give him ten acres? Ten acres in Isiolo is very different from ten acres in Kangondo or in Embu, for that matter, Mr. Speaker. So we should be very careful and for "maximum" use the words "reasonable average". If we want to be reasonable and useful to this Motion.

Rather than ask the Government to do it alone, to produce something that perhaps will be attacked in this House or in the country, why do we not call for a Kani party conference or seminar where views would be expressed and then the Government, in the light of what is said in that conference, may formulate a policy for land in this country? Mr. Speaker, Sir, I notice, as regards the land which was known formerly as the Scheduled Areas, about two million acres of this land within a period of nearly two years has been taken by the Government and a number of people—Kenya citizens—have been settled. Admittedly, there are some people who have caused the alarm of the hon. Members here who have come during this process of doing good to the greatest number of our people and got large tracts of land and who are not necessarily Kenya citizens. I do not think the Government or this country can be called blind to this.

Mr. Speaker, the attitude towards African ownership of large tracts of land or even big businesses—shops, buildings, or what have you—is against African socialism. We should call for a bold plan based on African socialism before we produce any of these controversial discussions in this country or in this House. For that reason, Mr. Speaker, I would like to oppose the Motion as it is worded here.

The Speaker (Mr. Slade): Mr. Gachago, are you answering for the Government?

The Assistant Minister for Lands and Settlement (Mr. Gachago): I am, Sir, and if the hon. Minister for Information wants to speak I would allow him to speak.

The Speaker (Mr. Slade): The only thing is that if you want your twenty minutes, the time is

running a bit short, as I have to call on the Mover to reply at five minutes past ten, which gives us about twenty-five minutes for now.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Then I will start, Mr. Speaker.

Mr. Speaker, Sir, this Motion, I am sure, and the matters being discussed here are being heard by our people outside this Parliament and I think this is a matter which we should treat with the greatest care, because the matter of land is an important one. The question of land should not be used in this Parliament or on any platform outside to give the impression that somebody is the champion of the public, because this Government is a Government for the public. No person shall speak on an important matter like this, with the sole intention of influencing people outside this Parliament, to make them think he is the only person who has seen that the people are poor, and the Government does not see it.

Mr. Anylen: On a point of order, Mr. Speaker, the hon. Member is saying that the motive behind introducing a Motion like this is to show that the Mover is the only person who sees the poverty that exists among the African people. Is this not imputing improper motive?

The Speaker (Mr. Slade): No, I do not think that it is improper. It is out of order to impute any improper motive, such as an intention to mislead, but to impute a motive that a Member wishes to represent himself as a champion of the public is not. If Members have that motive, there is nothing actually wrong with it, nor indeed is it uncommon.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, what I actually wanted to say is this, that no one in this country is more conscious about land hunger and poverty and the need to reconstruct economy than the Government of the Republic of Kenya.

Mr. Speaker, Sir, speeches have been made to-day that it is necessary to have land reforms. I belong to a Ministry that was not there before. Other Ministries which are in this Government have been in existence for a period of time, but the Ministry of Lands and Settlement, was constituted by the Government and charged principally with the duty of conducting a system of land reform, and there is a system of land reform going on now for the information of the hon. Members. Before we became independent, Mr. Speaker, Sir, there was an area which was known as the White Highlands and by foreigners. Mr.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Sir, we now have 26,000 families in what we called the "Scheduled Areas" and these are African families, and these families have been settled by the policy of the Government, not because somebody brought a Motion in this House, because we asked the Government to do that, but because the Government right from the beginning, was conscious of the problem of land in general, and this is why the Government has used all their initiative to settle the people on the land from the former European settlers and distribute it to the Africans. I do not understand the words "land reform" if what the Government of Kenya is doing today is not land reform.

It has been stated that the intention and the idea behind the Motion is to stabilize this Government, as if this Government is not stable. This Government, I would say, is stable. If the hon. Member of the Motion is not stable himself, then my Ministry would be prepared to give him a piece of land and settle him so that he can be stable, but this Government is stable.

In our settlement schemes, Mr. Speaker, Sir, there are plenty of farms which have been bought by the Government, by my Ministry, and which have been set aside for allocation to co-operative societies. We have said, in the Ministry, that the Government cannot tolerate people who own large tracts of land as individuals and who say that these farms are being allocated particularly to co-operatives. It is stated though, Mr. Speaker, Sir, that these co-operatives must consist of people without alternative employment or land, these are the people of Kenya, the so-called poor people. There is land for them waiting, and instead of coming here, Mr. Speaker, Sir, to say that the people are poor, to tell the Government that the people are poor, when the Government knows that the people are poor, we should go back to our consciences, organize co-operative societies and then make applications for this land.

Mr. Speaker, Sir, my Ministry will help these people, and I am very glad that the Minister for Co-operatives and Marketing has clarified this position, and I would be prepared to show any group of hon. Members who are interested, that the farmhands we have particularly set aside for allocation to the co-operatives, are not for individuals and here the Government cannot be accused of seeing to it that these farms are being bought by individuals only. We are not doing that.

The Speaker (Mr. Slade): Order! Order!

The Assistant Minister for Lands and Settlement (Mr. Gachago): What I think and believe is that the hon. Members are confusing Government projects with the open market in land. The Government of Kenya has rendered its services of making it possible to acquire land, and to acquire land as an economic unit. For instance a coffee estate, which is well organized and well developed, I cannot reasonably see how that could be taken away from a person and then be divided up into small plots. I do not see what sort of an economic asset that would be.

Mr. Ngala-Aboki: On a point of order, Mr. Speaker, Sir, could the Assistant Minister substantiate that this Motion was only dealing with already developed land.

The Speaker (Mr. Slade): It is not a matter of order for an hon. Member to substantiate what a Motion means. Hon. Members can argue what it means, but I do not think it is a subject for substantiation on a point of order.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Thank you, Mr. Speaker. In addition—

Mr. Anylen: Mr. Speaker, Sir, on a point of order, several times you have ruled that it is not fair for an hon. Member to misrepresent another. Nobody who has spoken on this Motion has said that the developed land should be carved up into pieces to give to the poor, and the hon. Assistant Minister is actually alleging that some Members have said so; the Motion does not say so and no Member has alleged this.

The Speaker (Mr. Slade): I don't think that the hon. Member was actually alleging that. If he was, and it was clearly directed to any particular Member, that Member can, on a point of order, correct the Assistant Minister. If there is a general suggestion that some Members have said this, then there is no great harm.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I should not be misunderstood because I gave very clearly a coffee estate as an example; and it is quite in order for a Member to give an example in this House.

Mr. Speaker, I do not have a square inch of land to call my own. The hon. Member is imputing an ulterior motive on my part.

What I said is this, that if we advocate a maximum acreage of land, and if we pass this resolution in this House then the Government will have to act on that resolution. If we say that no person should own more than, say twenty

[Mr. Kagglia] at the outset that it is wrong for hon. Members to stand in this House and mislead the people of this country by misreading this Motion.

The Speaker (Mr. Slade): It is equally wrong to say that hon. Members are trying to mislead anyone.

Mr. Kagglia: Mr. Speaker, I am going to read the Motion and prove that the hon. Member who has just spoken, is trying to mislead us.

The Motion deals with former Scheduled Areas. It has nothing to do with the land owned by Africans and I feel that in saying this that the hon. Member is trying to enlist the support of ignorant Africans who may think that this Motion intends to take away their acreage.

The Speaker (Mr. Slade): Order. Now, get this quite clear, please. You may disagree with hon. Members, you may point out that they have misunderstood, you may point out that they are misrepresenting what is said, but you cannot impute intention to mislead, or other improper intention, in what hon. Members say in this House. You cannot do it.

Mr. Kagglia: I withdraw, Mr. Speaker. What I was going to say, Mr. Speaker, is that the Motion is very clear. It deals very clearly with the land which was owned by Europeans, that is, the former Scheduled Areas. It again says very clearly that it only limits the acreage that one could buy from the Scheduled Areas. Therefore, Mr. Speaker, I would not like anyone to believe that this is dealing with my two or three acres in the Kikuyu Reserve.

Mr. Speaker, Sir, it is understood and it is known by all of us here that for many, many years we have been complaining about the European settlers who have been owning miles and miles of land in this country while thousands and thousands of Africans were going hungry. It is impossible for us today, now that the European settlers have gone, to allow a few landowners to replace the European settlers. We cannot allow this, because it is only a few Africans who would benefit and we would therefore be making fools of ourselves. This would also mean that we were only opposing the European settlers because they were Europeans. We were opposing Europeans, not because they were Europeans, but rather because they were selfish, they were exploiters, they were exploiting the millions of Africans in this country. They were owning miles of land when others were dying. Therefore, Mr. Speaker, it is very important for us to understand from the beginning that the intention of

this Motion is to try and accommodate the millions of poor Africans who are today crying for land, who are crying for employment and for bread. Mr. Speaker, since we have obtained independence, the Government has agreed to the policy of willing buyer and willing seller, and all this land which was formerly owned by Europeans has been exchanging hands very quickly. There are many Asians who have the money, and who have now left their businesses and begun purchasing land because there is no limit on the acreage which can be purchased as long as you have the money. These Asians are taking over land in all provinces where the Scheduled Areas were. If the Government does not consider restricting the acreage, we shall see in a very short time that the European settlers have been replaced by Asians and perhaps a few Africans who have enough money to purchase land. I therefore feel, Mr. Speaker, that this Motion is the only solution to our problem. It is very important for us to realize the importance of land in this House that the land problem has been the backbone of our political struggle and that we should not deceive ourselves in this regard. Most of our people in this country depend on agriculture, they have no money to go into business because of the monopoly of the capitalists who have entrenched themselves for years. They can only rely on the land. Government has the power to give our people land. This is the duty of the Government, to give our people land. If today, we come and say we cannot restrict the purchase of land and it is all right for the people who have the money to purchase as much land as they wish, then, we are betraying our people, the very people who laid down their lives for independence.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order, when the House is to quiet for an hon. Member to speak so loudly?

The Speaker (Mr. Slade): There is no actual order which controls the volume at which an hon. Member speaks. I was on the point of suggesting to Mr. Kagglia, myself that it is not necessarily to speak so loudly in this House. Indeed, as I pointed out a few days ago, hon. Members are more accustomed to a controlled style in this House, as opposed to public platform.

Mr. Kagglia: Mr. Speaker, Sir, I must apologize if I am speaking rather loudly, but I must confess that this is a matter which heats my blood and therefore I cannot help speaking with some emotion.

[Mr. Kagglia]

Mr. Speaker, the hon. Member has just spoken. He has spoken about co-operatives. We had agreed since Independence and we have given the Government a chance to try and distribute land evenly and properly but, I must say that I am surprised that the hon. Member from Embuhaya should speak in this manner, when we have seen that we have so many co-operatives in this country which have failed to buy land because of the restrictions which have been made. So there is no sense in saying that co-operatives are buying land, they are not buying land. They are only collecting money and the Ministry of Agriculture is not giving them loans because of the restrictions which state that unless they have more than forty-one members they are unable to get the loan. So, what I would like to know is, who is purchasing? Only the rich people, and these are going to exploit the millions of landless people in this country. We have known difficulties which have arisen in many countries from this policy of land lordism when a few people own land and others are left as beggars, squatters and serfs. For this reason, Mr. Speaker, we should see that this difficulty does not come into this country. It has been here during the colonial rule and it is up to our Government to see that it is completely removed so that the land should be distributed properly and our people should have no business, who have no land, should have something to eat. It is important, Mr. Speaker, to restrict the acreages so that the rich people will not buy land that could have been bought by the poor people.

It is also important, Mr. Speaker, for the Government to formulate a true land policy which takes into account the interest of our people, because the land policy that we are following today does not consider the interest of the poor people, it only considers the interest of the rich people and the interest of the former European settlers, because all the money that we are borrowing today is going into the pockets of settlers and going back to England, and our poor people are not benefitting much.

Therefore, Mr. Speaker, I would be very glad if the Government would consider accepting this Motion and restrict the size of land purchases from today so that the land which is not yet bought should remain there and the Government should find a method of distributing it in a better way.

I should also like to say, Mr. Speaker, that co-operatives should be encouraged and restrictions removed from them.

Therefore, I strongly support the Motion.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I would like to speak on some points which I have been raised about co-operatives, for which I am responsible.

I would like to say that there are no legal restrictions at all on co-operatives buying land. Therefore, the allegation that there are restrictions is not valid at all.

It has been said, Mr. Speaker, in the past that there were some restrictions, but according to the law there is nothing laid down to restrict the co-operative societies from purchasing land.

Mr. Speaker, Sir, with these few words I only wanted to comment on that. Thank you very much.

Mr. Kagglia: On a point of order, Mr. Speaker, in view of the fact that this was accepted only a few months ago by the Minister for Agriculture, would the Minister for Co-operatives explain when this restriction was removed?

The Speaker (Mr. Slade): That is not a point of order, but you can ask explanation from the Minister, if he will give it before we have another speech.

Mr. Chow: On a point of order, Mr. Speaker. I would like to get an explanation from you because it is not clear to me as to whether we are referring to settlement schemes or to the land in the reserve?

The Speaker (Mr. Slade): There is no doubt as to what is meant by "former Scheduled Areas." They were defined by the Agricultural Ordinance as certain areas which corresponded roughly to what were known as the "White Highlands." Those are the areas to which this Motion refers.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I would like to say a few words on this Motion.

First of all, I must say that I agree with the real spirit behind the Motion, but it is most unfortunate that the way we are talking and the way the words that have been framed seem to be a bit out of context. Mr. Speaker, Sir, this House should be really and, indeed, concerned that there is no farm land reform in this country. This is a thing which has concerned this House as long ago as 1957/58, when we were Members of a group known as AEMO, African Elected Members Organization. Rather than at this time blaming the Government or anyone, we should ask for a farm land reform without necessarily confining ourselves to what used to be known as the Scheduled Areas.

The Speaker (Mr. Slade): No, I am not concerned with that, what I am concerned with is the allegation of corruption, Mr. Gichoya.

Mr. Gichoya: Mr. Speaker, Sir, corruption, as I see it, is based on one thing or it emanates from one passage of our own manifesto. Getting land from the white settlers back to the people, then instead of giving it back to the people it is given back to ourselves, Sir, is that not corruption?

The Speaker (Mr. Slade): It depends what you call corruption, but you must still say who you mean by "ourselves".

Mr. Gichoya: Those who have money and who told the ordinary person that land would be available for them, the moment the country became independent. Instead of going into their own hands, it is going to the people who have the money, of whom a good section is within this House.

The Speaker (Mr. Slade): Is that what you call corruption?

Mr. Gichoya: Yes, Sir.

The Speaker (Mr. Slade): Well, it is not the right term. I think you had better withdraw the word.

Mr. Gichoya: I am withdrawing that continually.

Mr. Speaker, Sir, it is wrong for those people who are now planting their *shambas* not accepting an limitation or the ceiling of land which an individual can buy and which would give a chance to many more people to have a piece of land under the sun. It would be very unfortunate for the Member for Kisi, if his people could hear him asking that question; then they would never allow him back in this House.

So, Mr. Speaker, Sir, what we are asking in this Motion is to set up a committee, a committee willing to set up a programme of settlement for our people, limiting the acreage which a man with money can buy and which a man with money cannot buy. When you say ten acres per person, Gichuru will never get more than two acres—

Mr. Komora: On a point of order, Mr. Speaker, Sir, is it in order to refer to the Minister as Gichuru?

The Speaker (Mr. Slade): No.

Mr. Gichoya: I mean the hon. Mr. Gichuru, Minister for Finance. He can afford to buy more than two acres, but if the limitation is two acres, he will not be able to buy more than that. Consequently, we shall have more space for more

people and then the stability of this country will be assured. It is ridiculous, Mr. Speaker, Sir, that a son of a rich man should live at the side of a poor man and a poor man should die. Starvation is a way of bringing death. When somebody has no means of existence and most of our people depend mainly on farming, it means that they are being condemned in the Republic of Kenya to die, by this House, if it rejects a limitation of the acreage to allow more people to have a place under the sun.

With these few words, Mr. Speaker, Sir, I request, or I appeal to the hon. Members of this House to accept that a committee be set up by the Government; then, it should be used to stabilize the Government. Most people can never get the meaning of it, but they must come to understand it—

The Speaker (Mr. Slade): Order! Hon. Members must keep calm.

Mr. Gichoya: The idea is to give our national Government a stable authority based on the support of the masses. If the Government is not supported by those people who do not have anything, and they constitute the majority, I feel that these Ministers, Sir, should never be Ministers of the present Government.

With these few words, Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Khasakhala: Mr. Speaker, Sir, I think that it is most unfortunate that such a Motion should come to this House, because already, Mr. Speaker, Sir, in Kenya today, Africans own their own properties which they are proud of as their own. You cannot say that you are going to divide the property of someone which belongs only to him as a person.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, the hon. Member is saying that the essence of the Motion is to divide someone's property for another man. Is that the essence of the Motion, Mr. Speaker, Sir, that the hon. Member is trying to misrepresent the Motion?

The Speaker (Mr. Slade): I do not think anyone could misrepresent the Motion; it is there for the House to see. He might misrepresent what you said, but I think you had better hear him a little further before you say that.

Mr. Khasakhala: Instead of hon. Members assisting the Government in its good policy of encouraging the formation of co-operative societies, encouraging the formation of companies, and that these people can unite together and buy land

[Mr. Khasakhala] speaking has already a Government policy, they bring such a Motion to injure the people. It is already a Government policy, Mr. Speaker, as far as I know, that a co-operative society in Kenya today can buy land. Where is the society, produced by this particular Member who has brought this Motion to the House, which has been refused, so that he now accuses the Government? I know very well that Government is settling people within the former Scheduled Areas. These areas were reserved in the past and now they are not reserved any longer.

At present, we have thousands of Africans who are being settled and the Government is assisting them and doing all it can to help the landless Africans to get land on the settlement schemes. The people with money, Mr. Speaker, have also their position, have also their place in the settled area, and these are the people who are being condemned. If the hon. Member can tell the House how he wants vacant land to be made useful, we would look around and find a method of using these vacated farms. But only to say that we want a limitation of land, a limitation to a certain number of acres, that, in my opinion, is a use in Kenya today.

I know very well, Mr. Speaker, that with regard to such land in Kenya which is not filled, a big own area, the Kisi area, where that hon. Member comes from, they have taken people from Bunyore and Maragoli to go and settle there, because there are not enough people to occupy that land.

Mr. Anyieni: On a point of order, Mr. Speaker, could the hon. Member substantiate that there are too few people living in Kisi and therefore we have to import some people from Bunyore and Maragoli Districts?

The Speaker (Mr. Slade): Can you substantiate that, Mr. Khasakhala?

Mr. Khasakhala: Mr. Speaker, I can introduce names of people from those areas who have gone to Kisi to buy land and who are settling there.

The Speaker (Mr. Slade): That is what you are being asked to do here.

Mr. Khasakhala: Mr. Speaker, if I am given time I can produce the list in this House. I cannot produce it now, but this is a fact which exists, and if the hon. Member does not want to live in Kisi, well, we have large settlement schemes and—

The Assistant Minister for Finance (Mr. Okello-Odongo): On a point of order, Sir, I do not know

whether there is a way whereby we can protect the House, because the hon. Member who is speaking has made an allegation about people going to Kisi, because there are no people in Kisi to live in those areas, when, in fact, it is true that the Bunyore population—

The Speaker (Mr. Slade): What is your point of order?

The Assistant Minister for Finance (Mr. Okello-Odongo): My point of order is asking if there is any way in which Members of this House can be protected from these wrong allegations which are made?

The Speaker (Mr. Slade): Order, order!

All hon. Members know very well that the protection of the House against wrong allegations, such as you are asking about, Mr. Okello-Odongo, is the rule that an hon. Member can be required to substantiate what he says. He cannot always substantiate at the moment of allegation. If he undertakes to substantiate afterwards, that is quite all right, provided he does so. If he fails to do so, he is required to come and make a personal statement to this House and apologize.

I thought that all hon. Members knew that by now.

Mr. Khasakhala: Thank you, Mr. Speaker. Mr. Speaker, in defence of my statement I would like to say that the hon. Member from Kisi had admitted and said: "that they are not selfish like you". "You", can mean, many, so, Mr. Speaker, I therefore believe that this is a Motion which will mislead a great number of people in Kenya.

The Speaker (Mr. Slade): No, Mr. Khasakhala, you do not say things like that. You do not impute improper motives to hon. Members in anything they move. You will withdraw that.

Mr. Khasakhala: I withdraw that, Mr. Speaker. The nature of the Motion should have been to encourage or to ask the Government to give more opportunity to the Africans who have formed community and co-operative societies, and money so that can make use of land which is lying idle at present. Most of the land in Kenya, Mr. Speaker, is not utilized and it is surprising to hear that some people or Members feel that the Government should limit the acreage of land that is to be bought. Mr. Speaker, I personally feel that I cannot agree with this Motion and I therefore oppose it.

Mr. Kagzia: Mr. Speaker, I am very happy to support this Motion and I would like to say

[The Minister for Economic Planning and Development]

under the Constitution of this country. It is necessary to make this point because some people might run away with the idea that the purpose of these amendments is to remove or in any way weaken those things that they hold to be of importance to them as citizens and individuals resident in this country. The whole structure of Government and the protections under the Constitution will continue to guarantee the right of a citizen to vote, the equality before the law, and things like that.

Secondly—and quite important, too—is the position of the Judiciary. This, again, is a point which is dear to many people but one again which is not encroached upon by the amendments which are now proposed. The Judiciary remains independent and its whole set-up and position is fully established and protected in the Constitution. Thus, regardless of these amendments, the person who has always enjoyed this safeguard and security or, shall I say, confidence in our judicial system, needs have no fear at all as regards the future of that system. That system remains entrenched in the Constitution of this country.

Sir, another point which I think needs to be stated is the fact that, although the Bill suggests an amendment to the amendment procedure—that is the procedure by which the Constitution can, in future, be amended—in that it varies the percentages, it does not in any way reduce us to the position where we have no safeguards for a stable Constitution. It would be readily, I am sure, agreed by all of us here—and the country at large, I am sure—that the original procedure for amending the Constitution was the most rigid in the world. It required 90 per cent, in the Senate and 75 per cent in this House, not of Members present and voting but of the membership of both Houses. Thus it almost amounted to suggesting that before any part or provision of the Constitution could be amended, it would be

necessary to get what amounts to a unanimous decision of the Senate and a near-unanimous decision of the House of Representatives. Sir, the weakness of this need not be over-stressed because it goes without saying that a Constitution as a working document, intended to regulate the relationships within our country as between the Government and Parliament, the Government and the public, and the public themselves, needs to be a document that is capable of amendment, and not only capable of amendment but of reasonable amendment. In other words, where experience shows that the Constitution is not working properly and not working in the interests of the country, it should be for the country, through their elected representatives, reasonably to be able to amend it. Now, it must not give room for unreasonable action on the part of a small minority in the country who merely would wish to obstruct reasonable amendment of the Constitution or modification of its provisions for unreasonable reasons. Sir, I do not have to convince the House about this because we see what is happening in some countries in the world today where an archaic Constitution is being upheld merely because they are unable reasonably to amend it, and because they are unable reasonably to amend it, they have had to countenance a situation in which violence and bloodshed have been the only answer to this unfortunate strait-jacket. We would not like that to occur in this country.

Mr. Speaker, perhaps I should stop at this point and continue when we meet next.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until tomorrow, Friday 2nd April, at 9 a.m.

The House rose at thirty minutes past six o'clock.

Friday, 2nd April 1965

The House met at nine o'clock.

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

PRAYERS

NOTICE OF MOTION

MERGING OF STATUTORY BOARD

Mr. Omar: Mr. Speaker, Sir, I would like to give notice of the following Motion:—

That, because of increasing costs resulting in lower returns to producers and because of emasculation in the use of trained manpower, this House deplores the continued existence of the many agricultural commodity marketing boards and urges the Government to take the necessary steps to merge some, if not all, of them within the next six months.

MOTION

CONTROL OF LAND SALES: SIZE OF ACREAGES

That this House notes with great concern the attitude of a few money possessors who are buying as much land as possible in the former scheduled areas; and urges the Kenya Government to set up a committee to recommend the maximum acreage an individual or a group of individuals may be permitted to buy and own in the former scheduled areas.

(Mr. Anyieni on 26th March, 1965)

(Resumption of consideration of Motion interrupted on 26th March 1965)

The Speaker (Mr. Slade): I would remind the Members that on this Motion of Mr. Anyieni, he was just at the end of moving the Motion and he had one minute left, which means that there is an hour and ten minutes of this debate still to run if so desired. Who, is seconding?

Mr. Gichoya: Mr. Speaker, Sir, I stand to second this Motion, because we have today the problem of scarcity of land and this scarcity of land, of course, has been there for ages.

During the Mau Mau war which—

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, can we get clarification as to whether it is in order for someone else to move a Motion which has been given by another hon. Member? What is the correct procedure with regard to this?

The Speaker (Mr. Slade): He is seconding the Motion, Mr. Gatuguta, Mr. Anyieni has already spoken.

Mr. Gichoya: Thank you, Mr. Speaker, for clarifying the matter.

The position as it is today, particularly for people coming from the Central Province, is that, although the war in Kenya which was known as the Mau Mau war was motivated by the desire to free this country, the principal aim of this war was to put the land back into hands of the Africans. That was understood by everybody, because people had been removed from their own homes and made squatters. Consequently, the only method for the ordinary person was to understand that he had a duty to fight for the liberation of his country, that he was fighting in order to get back what had been taken from him. After so many people have died fighting for the land and independence, we are lucky enough already to have obtained independence, and that is an achievement which came as a result of the shedding of blood and of humiliation.

The other thing which was more painful to the ordinary person was the question of land and today, when the Government has already embarked on a programme of buying off the white settlers, in order to give way for the Africans to get settlement, what we see today is those who are rich, who perhaps managed to be in better positions during the emergency, are the ones particularly who are now benefiting from the fruits of our struggle.

Hon. Members: Question, question.

Mr. Gichoya: Mr. Speaker, there is no point in people saying, "Question." Most of the Ministers here, Mr. Speaker—I say most of them—might have been involved in this buying of large areas of land. It means that if the big lands are being bought by those people with money who, by circumstances, happen to be in this House after they have been voted in by the ordinary person now does not have a single piece of land. These people, now that they are in power seem to think they must have everything. Mr. Speaker, Sir, it means that there is a process of corruption going on. We who put up a fight for independence and for the removal of the white settlers, now see other wealthy people going on to our land.

Mr. Gatuguta: On a point of order, Mr. Speaker, the hon. Member has made a serious allegation that there is corruption in the Government and in this House. Could he substantiate that?

The Speaker (Mr. Slade): Certainly, he should be required to substantiate that.

Mr. Gichoya: Mr. Speaker, Sir, when we told the people that we were getting land—

[The Minister for Information, Broadcasting and Tourism]
to the driver, ready for production when the need arises.

So Mr. Speaker, Sir, I think I have tried to clarify some of the points which have been raised this afternoon on this particular Bill, and I must thank the House for having supported the Bill in the manner they did.

(Question put and agreed to)

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

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(The Attorney-General on 25th March 1965)

(Resumption of debate "that the debate be now adjourned" interrupted on 25th March 1965)

The Speaker (Mr. Slade): Hon. Members will recall that at the adjournment of this debate we were actually debating, not the main question, but a Motion that the debate be now adjourned. That Motion is still continuing until it is disposed of. Mr. Ngala was speaking, but I see he is not here now. I do not know if any other hon. Member wishes to speak on the Motion that the debate be now adjourned, or whether the Mover wishes to withdraw it, or what.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, what does the Motion actually mean in the context of today?

The Speaker (Mr. Slade): It means that the debate be now adjourned until another day.

The Minister for Economic Planning and Development (Mr. Mboya): I mean does it mean that the debate is adjourned, to be resumed at the next sitting, or what exactly does it mean? I was not here at that time and I am trying to understand exactly what the Motion is about.

The Speaker (Mr. Slade): When a Motion of this kind is carried, it simply means that the debate is no longer continued that day. It is adjourned until another day, and, if then, rests with Government, if it is Government business, to put it on the Order Paper again when the Government is so disposed. It might be the next day of Government business or a week later. It is back in Government's hands to be put on the Order Paper on another day, but no longer on that day.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): On a point of order, Mr. Speaker, I remember when the last speaker, the hon. Mr. Ngala-Abok, had made his speech, it appeared as though we had had the last speaker in this particular debate, and I thought you were going to call upon the Mover to reply.

The Speaker (Mr. Slade): No. Someone sought to move the closure of the debate, but as we had just come to the time for the interruption of business, I thought it was pointless, so we did not have the closure moved. I should imagine that hon. Members do not wish to pursue the Motion for Adjournment, so perhaps Mr. Ngala-Abok would withdraw it, by leave of the House.

Mr. Ngala-Abok: Mr. Speaker, Sir, I do not wish to withdraw, but I think I should clarify in reply.

The Speaker (Mr. Slade): Oh, No; there is no right of reply on this procedural Motion does any hon. Member wish to speak on the Motion for the adjournment of this debate?

Mr. Warithi: Mr. Speaker, Sir, I remember when the hon. Member moved this Motion that the debate be adjourned, it was for the purpose of enabling the Government and Members of the House to discuss the amendment to the Constitution and also to allow the Members to study the amendment. Since the last time the House considered this Bill, there have been several meetings between the Government and the Members of the House and considerable progress has been made in discussions. Personally, I do not see any need for adjourning the debate and I feel that the Mover should be called upon to reply so that we can continue with the debate on this Bill.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I will put the question. There is no question of a reply on a procedural Motion of this kind.

Mr. Ngala-Abok: Mr. Speaker, I would like to get my position clear, whether I could speak or not. And, at the same time, withdraw and also say a few words.

The Speaker (Mr. Slade): If you wish to withdraw the Motion, you can say why, and then be given the leave of the House.

Mr. Ngala-Abok: Mr. Speaker, Sir, the aim of my Motion to adjourn the debate on the Constitution (Amendment) Bill was to allow the Attorney-General to explain some clauses which

[Mr. Ngala-Abok]

are intricate and difficult for most of the Members of this House, who are not lawyers, to understand. I think we have now achieved the aim of the Motion, in that we have now had the Ministers concerned and the Attorney-General explaining quite a number of points. I think the Members are satisfied that the explanations were adequate and this will now enable me to withdraw the Motion which demanded an adjournment for the same purpose which we have now achieved.

Mr. Speaker, Sir, I wish to withdraw the Motion so that the debate on the main Motion can get going again.

The Speaker (Mr. Slade): If no other hon. Member objects, then, with the leave of the House, the Motion for adjournment of debate is withdrawn.

(By leave of House the Motion was withdrawn)

The Speaker (Mr. Slade): The debate now continues on the main Motion.

(Resumption of debate on main Motion)

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, in the few minutes left before the House adjourns, I merely want to make a few observations about the Bill before the House, bearing in mind, of course, that there has been a lot of discussion and debate and consultation outside the House on some of the clauses on which doubt or concern had been expressed.

First, I would like to make the point that this Bill is the direct result of questions that have been asked in the House before amending the Constitution that we had at the time of independence. Most of the clauses are, in fact, consequential amendments and some of them are technical amendments. Some of these technical amendments touch upon some of the entrenched clauses of the Constitution. For example, some of the technical amendments are merely amendments "which require the substitution of the word "President" for the words "Governor-General", and in some cases, the substitution of the words "Chairman of the Provincial Council" for the words "President of the Regional Assembly". These are changes which are made necessary by the very fact that Parliament has, in its wisdom, agreed to amend the original Constitution from that which gave us a highly de-centralized Government to a unitary Government, with consequential changes in the type of supporting machinery for the Government. I refer, Sir, to such machinery as the original Regional Assemblies and also to the county councils.

I think one of the problems during the debate upon this Bill was the reference in many parts of the First Schedule to deletion of this or the other of the clauses in the Constitution. Clearly, this may have puzzled some Members but not because they introduced any new matter or controversial matter, but merely because it was necessary to read the Bill in relation to the whole Constitution and not the Bill in isolation of the Constitution. I think when one reads quite a few of the clauses which it is intended to delete, one would find that, in fact, those clauses as they stand at the moment are redundant. They are redundant especially because they are clauses which were included in the Constitution specifically either to safeguard the position of Regional Assemblies, as they then existed, or to provide power for Parliament or Government to act on matters which were specifically reserved for Regional Assemblies but which are no longer so reserved, or in cases where matters were referred to under the Constitution which belonged to some of the Schedules; for example, Schedule I which contained matters reserved to the Regional Assemblies, but which is no longer the case since the various amendments have been passed in the House.

Sir, I think, therefore, that it is necessary, especially since some of these points have been made in Parliament, in fairness to the public, to explain away some of the fears and anxieties which may have exercised the minds of the people, including Members of Parliament, who have had the opportunity to private to discuss these matters with Government and who now, I hope, are quite clear as to what the position is. I think it is fair, as I was saying, that the public also have the opportunity to know what has since happened and what explanation has been given to the Members of Parliament and which the members of the public may, themselves, want still to have.

The next point that it is necessary to state is with regard to certain of the most important entrenched clauses of the Constitution. I am referring, Sir, to those very important questions which are bound to be of great interest to members of the public, such as the individual liberties and rights of the citizens of this country and to the people residing in this country which are not in any form or manner being encroached upon by the amendments proposed in this Bill. These rights of the individuals are left intact, and the citizens and people in this country should be assured that the amendment which are proposed in this Bill will not, in any way, affect the rights and the security, the protection and the safeguards which they have always enjoyed

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have decided it to have a fixed fee to every set sold, there will be a nominal fee of Sh. 20, and I think that this is very reasonable. As I said yesterday, we have compared it, and find that it is a bit lower than in many countries.

Mr. Speaker, Sir, there is also the question of police action and inspector and our investigation team. Here we are dealing with our people and we are not going to fan out anyone. This is the reason why we have provisions in clause 5. Now, Mr. Speaker, Sir, in clause 4, the Director of Broadcasting shall receive the licensing officers. All the district commissioners shall also be licensing officers. The Minister, may by notice in the *Kenya Gazette*, appoint such other licensing officers which are necessary to the purpose of this Act. This brings me, Mr. Speaker, Sir, to a suggestion which was put forward by the hon. Mr. Makokha that the receipts should be included. Now, it is very important that we should have officers of the rank of inspector. An inspector is a very responsible Government officer and so also a district commissioner. The Minister, under that Act, may appoint people to serve, and that naturally may include the chiefs. However, I feel that the principal man in the district should be included in this Bill, and that is, the district commissioner of each particular district. If it becomes necessary, then such officers below the district commissioner can be assigned the facilities and the work of the district commissioner.

Now, section 5 dealt with the repairers of the radio sets. I think that here we are trying to safeguard the licensed dealers or repairers, because if this provision is not made then you will find that some people, for example some businessmen, who probably have a little bit of work here and there, taking the opportunity of cutting out a licensed dealer in repairing radios. Therefore, we must make the law more rigid in this respect in order to protect the licensed dealers. Hence, under clause 5 (f) it states:

"No dealer or repairer shall carry on trade or business as such unless he holds a valid dealer's or repairer's licence, as the case may be."

The licence fee is Sh. 200 per shop, as you will see in the schedule, and the repairer or dealer must be protected by the law.

One hon. Member was not quite sure as to how much is going to be paid, and in this particular case I think he was referring to the dealer. He appealed for half-yearly or quarterly payment. I believe that if a dealer is able to have about 200 or 300 sets in his shop, then

he must at least be able to pay Sh. 200 at one time.

Mr. Speaker, Sir, there is also the question under section 9, where some Members referred to sticking the licence on the radio. Now it is not a question of sticking it, but attaching it to the radio. Attached licences on the radio can mean that you could attach it by a piece of string or by pasting it on or hanging it for the inspector to see. This is not a new thing, but it has been a regulation for some time. The inspectors have been very human indeed and I do not think that they have been intruding in the houses. They have been to my house several times and I have never heard any complaints. They did not know that it was my house, and I do not think that they have any hon. Members who complained when their licences were inspected.

I feel hon. Members think that they should support the Bill, because if their licence is valid it will cause the owner of the radio less trouble. It will cause the inspectors less trouble and will waste no time.

Therefore, Mr. Speaker, Sir, I feel very strongly that this licence should always be handy by attaching it, as provided for in the Bill, section 9.

Mr. Speaker, Sir, there is also the question of appeals. Suggestion was put forward that appeals should be made to the court of law. This is very difficult because if a person is charged for failing to pay Sh. 10, is charged, and be wants to appeal to a court of law, the charges for appealing to the court of law will be about Sh. 200, and I think, therefore, the best thing would be to appeal to the Minister. In most cases it is just a provision in the Bill, but normally these appeals may be made to the district commissioners who have been assigned by the Ministers to do this on his behalf.

Therefore, I do not think it is right to demand that it must go to a court of law. A court of law is not composed of angels; the Minister can also use his common sense to make decisions concerning things. I do not think that at this stage there is any need for one to go to a court of law for an appeal.

Under the Schedule, there has been a suggestion that secondary schools and training centres should be included. One must remember that these secondary schools and training centres are more or less self-contained in a way, and the fees are high, and the Government provides many facilities. I therefore think it is unnecessary to try to do them. But the reason why primary and intermediate schools are provided for here is that we have quite a number of primary schools being managed by local people in the rural areas and

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is important that they should be given some extra exemption in this particular matter. I do not, however, think that the training centres, which, of course, are heavily financed by the Government, will need to be exempted by us.

Mr. Speaker, Sir, under this you will find primary and intermediate schools, youth clubs, *Mwandao Ya Wanawake*, armed forces contingents, charitable institutions, because they are all doing quite a good job and if there are any clubs at all I do not see the reason why they cannot be considered. With regard to the fire brigade, it is led that depends on who runs it; if it is the City Council of Nairobi I think the city council is quite rich enough to afford at least Sh. 50 or Sh. 100 to pay for a licence.

Mr. Speaker, I must again take this opportunity to reject a suggestion here, a suggestion which which I think was put forward under a misapprehension. It has, I think, now been clarified in my explanation, that the licences are not going to cost more than Sh. 40. Again there was a complaint under section 5 (d), where protests have been made against confiscation. It is not confiscation, it is retention by us of the owner's set. This set, if it is not licensed, can be taken away by a police officer or authorized inspector for retention, and once the licence has been obtained, this set can be returned to the owner. This, of course, does not mean that the set is being confiscated. But, if the owner does not go for a licence, it means that the owner has no business to have with it. However, in most cases, a person would not leave his radio set that might have cost him about Sh. 400 or Sh. 500 just because he was busy like hon. Members of Parliament who are travelling all the time, leaving his set lying around in a police station, or in the district commissioner's office or in Broadcasting House, for that matter.

I do not think we should be misunderstood here, Mr. Speaker; when the radios are taken from owners who have not bought licences for them, they are only to be retained until the licences have been paid for.

Now, we come to the question of the domestic comprehensive sound receiving licences. Under this law a family of five could have at least ten primary radio sets, and only have to pay Sh. 40. This is why we have proposed in this Bill that, instead of paying only Sh. 40 for about ten radios in the house, each radio should have a licence. If one has about ten radio sets in one's house, that is, a wireless could be in the toilet and if there are four bedrooms, one in each one of

them, etc.; yet the Government only required this householder to pay Sh. 40. We are trying to change this so that each set will be licensed at the flat rate of Sh. 20. I would also like to emphasize that if one can afford to buy ten radio sets, and a television set, one must be able to pay at least Sh. 20 for each set. If a man has five sets, it is just the question of £5, and I do not think this is a lot of money for somebody who can afford to buy five radio sets. Five radio sets would cost, on the average, about Sh. 2,000.

Mr. Speaker, I would like to state how much we really expect to get. But, before I come to that, Mr. Speaker, I must refer to section 10 where there is some confusion. Section 10 says that any person possessing more than one sound receiving set and who holds a valid domestic comprehensive sound receiving licence must surrender such a licence. This clause only provides for the current year. If you have two radio sets for one licence, the licence will continue until the time expires. But as soon as the time has expired, the owner will pay for two sets at the rate of Sh. 20 each, so it will amount to Sh. 40 all the same. But, if, after this Bill has been amended, he has, say, three sets, then he will be required to pay for them at the rate of Sh. 20 each which will mean, of course, that he will pay an additional Sh. 20 for the extra set.

Now, Mr. Speaker, I would like also to raise one point here. This is the amount of revenue that we expect to raise if our efforts are successful. We hope to increase our revenue by about £100,000. This is a reasonable figure for the Government of Kenya. As I said yesterday, the administration of this Bill will involve expenditure of about £5,500 a year of public funds in the collection of fees and payments, but this will only be about two and a third per cent of the expected revenue of approximately £100,000 a year.

Mr. Speaker, I would like to summarize as follows. This Bill provides that each set, whether radio or television, shall have a licence at a standard fee. That fee, at the moment to the ordinary buyer is Sh. 20, but it varies, for instance, in the case of community centres according to size; these, of course, may naturally be required to pay more. Secondly, it requires that the licence be attached to the set all the time, which means that the licence will be handy for inspection. I do not think the hon. Members will quarrel with me if what the Bill requires is only to facilitate inspection of licences, if there is a need for it. If the wireless is in a car, Mr. Speaker, it is very easy indeed, because it will be just next

[Mr. Jahazi]

whether one is in the car or one is in your pocket when you are in the house or in the National Park, you will get the same news.

The Speaker (Mr. Slade): Mr. Anyieni has already made that point. If hon. Members do not listen to the debate they had better assume that their points have been made by other hon. Members.

Mr. Jahazi: Mr. Speaker, Sir, I accept your ruling, but sometimes, you do not listen 100 per cent to what we are saying, while you are noting other points. Therefore, I assume that another hon. Member has made the same point.

Mr. Speaker, Sir, also on the question of confiscation, I know many Members felt very strongly about this and I would like to support them by saying that it would be legalized robbery if the Minister tried to create an impression of revenge on people who have failed, sometimes through no fault of their own, to pay the fees. We realize that when somebody is late in paying a tax, whether it is personal tax, vehicle tax, licence or something, there has never been this confiscation system. It is a revolutionary idea of the Ministry which has introduced this confiscation business, and I would say that if it has to start anywhere, it should not start from the Minister for Information, because it is too strong, and I would appeal to the Minister to withdraw that particular point, Mr. Speaker.

Also, I would like to support the point raised about using police because that is also revolutionary. When it is a question of a simple thing like a licence which costs Sh. 20, it is really harsh to use the police to try and tell the people that they should pay this; some softer method could be used, because the Minister can be assured that people are not actually opposing paying for radio licences, they are willing to pay, but through certain circumstances they sometimes fail to pay. The weakness is that there is no proper machinery to collect these licences so the fault should not be on the users, as nobody is prepared to pay, all of us are not that honest. Others need a little push, especially when it means paying for a licence. Therefore, the Minister should try to find a method of pushing, to remind the people. I mean he should not do it harshly. Before using the police he can create a new department, and I am sure that through the revenue collected he will be able to pay for those people who will go round the houses and tell the people to pay for radio licences because, Mr. Speaker, the problem does not start with buying a radio. Anyone is prepared to pay Sh. 20 when he takes a new set, but the trouble starts

after he has paid that for one year, when the reminder comes to pay for the second year; that is where the trouble starts, and I think the Minister should concentrate more on the second payment because the first one is easy, the dealer can deal with that. I have seen people receiving a reminder that the renewal of their licence is due in such-and-such a month and when they do not pay, nothing happens. I hope that when the Minister sends a reminder to somebody that his licence is due for renewal on such-and-such a date, they will not sit quiet; they should follow up that reminder. Because the man is on record, there should be no difficulty about sending an askari to knock at his door, because it is known that his licence expires at a certain time. Therefore, if he has neglected the two reminders, it is easy to prosecute him, and even then it is fair to confiscate his set; you can fine him double or one-and-a-quarter times, but complete confiscation of the set—

The Speaker (Mr. Slade): Mr. Jahazi, you have mentioned this twice and other hon. Members have mentioned this about five times. Please do not repeat your own or other hon. Members' arguments.

Mr. Jahazi: Mr. Speaker, I was only repeating it in support, not making a new point. However, Mr. Speaker, since I seem to be colliding with you in this, I would beg to support.

Mr. Masinde: Mr. Speaker, I do not have much to say, but there are a few, I hope, new points which I would like to raise.

I have one question which comes possibly through my own ignorance. There has been a lot of prosecution and I wonder whether this Bill which we are trying to pass is new legislation or amended legislation. I hope the Minister will have been able to clarify that, otherwise he might have been penalizing people illegally without any legislation at all.

Another point, Mr. Speaker, is that I have seen here the number of sets in the country and that a good number of them—about half—have not been licensed. My problem is this. I am not doubting the figure, but I would like to know how many of these sets are working and why the Minister is sure that, if we pass this Bill, he will be able to get so much money according to the figures here.

Also, Mr. Speaker, we have talked about licensing the dealer, but I do not think the Bill has gone further to protect the same dealer. There is no point in licensing the dealer when you are not going to give him business. So, in raising this point in view of the fact that we

[Mr. Masinde]

might be legislating this to ask whoever goes to the dealer should purchase a new receiving set with a licence fee of Sh. 20 which would be for the first licence. But a person who is on the border of Uganda, like myself, can travel a few miles to Tororo for a week-end and buy there a set, and then walk back to Kenya without being asked anything. But the poor man next door to me who is licensed as a dealer or repairer, who is selling these sets, does not get the business. Because of this a good number of our people, when they go to various places in our neighbouring countries, will be buying these sets. The question here, Sir, is what the Ministry is going to do in this situation—because we have to accept that we are human beings and every person plans how to spend his money. If he knows that buying one pound of sugar in Uganda is cheaper than it is in Kenya, he will have to walk so that he can purchase it where it is cheaper, and this is exactly the same, unless the Minister also protects this person.

I do not know what the Minister is going to do because here you have regular registration and you know what number of sets are lying in stores and what number of sets have been issued to various customers, but those people who are on the border, can cross the border to purchase their sets and need not have a licence and no one will know about it. What happens if you buy a set in Tanzania and bring it to Kenya? Is there any system whereby the Minister will know that because of this legislation some clever people will avoid buying from Kenya and will buy from other neighbouring countries? Unless the Minister clarifies that, I think it will be completely valueless to legislate this Bill.

Sir, I do not want to mention points which have already been touched on by some of my colleagues, but I think this is important. My friend who visited by Bill strongly on licensing, one person who has two, three or four radios, but I still doubt what the Minister is going to do if our attitude is one of not accepting it, as it is. The Minister has also to assure this House that he is going to do a bit of modification on the otherwise there is a bit of injustice. Since it appears that he is concentrating on particular sets which are being sold outside or to various customers, but he did not consider including a clause to a person who would own a good number of sets and how to use them. Because of this he is not using all the sets at the same time, but it means that we will actually be getting money from one person. If it is a question of

taxing those who are highly paid, then the Minister has to explain that. If that is the case, then I will not oppose; in fact I will see how I can work and reduce the high expenses. But here again, Sir, it will mean that a number of people who have bought very many sets and increased the actual output of sets will not be buying any more and that again will be a very great reduction in the radio industry. Sir, I do not know what is in the mind of the Minister, because we might encourage one side and discourage the other side, and here what I say is that if we are not very careful we shall be discouraging the local purchasing of radios because of these licences.

Sir, with this, I beg to reserve my decision.

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

The Speaker (Mr. Slade): Enough time has elapsed for the House to consider that question again, so I will put the question.

(Question put and agreed to)

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I would like to take this opportunity of thanking the hon. Members for their very helpful contributions to this Bill.

I know one thing; in such a Bill, where funds and money are involved, we have to be very, very careful because it is something which touches on the income and the spending of our people. However, at the same time, we must also consider that we have to pay for the services which are given.

Some hon. Members have questioned whether this is an amendment. It is very unfortunate that when I moved the Bill yesterday these Members were not in the Chamber and they missed my introduction. In fact, this is an amendment and there are major changes in the law as at present constituted. These changes were to make it necessary that every set, whether radio or television, shall have a licence at a standard fee. I think some of the Members will remember that there were some considerations as to the income of the individuals, but this is also very difficult to assess because you find that somebody who probably is earning about Sh. 200 was exempted or had to pay a little bit less than somebody earning Sh. 201, and it was very difficult to work out that difference, especially with those who do not receive salaries and whose income can only be based on some sort of guesswork. So what we

[Mr. Anylen] with lots of children, in houses such as they have, I think it wrong to create this difficulty. If the officers are able to walk into the house, they will demand to see the licence and the licence should be able to be given to them. I do not think it is really necessary that a licence should be fixed on the radio itself, because what is going to happen is that some time when mummy and daddy buy the radio, the children will even sometimes break the radios, they will come and take off these licences, and then, when the parents come back, they will not be able to find the licences.

Again there is a point here, which I am not altogether sure I understand. There is a provision that if you have lost your licence then you will have to pay another Sh. 5 for the issue of another one. Now the Minister should be able to know that it will inconvenience our people very much because the Minister said in another section, which I do not think is very fair, that certain persons will be exempted, and they will be able to get a licence for Sh. 5. That being the case, if such a person loses his licence, for which he has paid Sh. 5, I do not see the point in his paying another Sh. 5 to get a new licence. It is understandable if the original licence cost about Sh. 50 or so that a person should pay Sh. 5 if he loses it; but I think it is a little too much if the original licence only cost Sh. 5 that one should have to pay another Sh. 5 to replace it.

Another thing I would like to comment on with regard to this Bill is that these exemptions—I think what the Minister should be able to do roughly is probably to ask a person for his graduated tax. If, for example, a person like myself, pays Sh. 600 tax, then I will automatically pay Sh. 20. But with our people at home, the chief, the sub-headmen, should be able to advise on this; they should be able to advise that such and such a man should only pay Sh. 5. I see here that the only person who can grant this exemption is the Minister. Now a person may come with only a little money; and the Minister should know that many of our people do not have money. But now that the technicians are making cheap but good radios, a person like this goes to a shop, he is not known; but he should be able to state that financially he is able to pay more. It would be a shame, for example, for a person like myself to go to a shop and tell the assistant, "Oh, I am a very poor man, and I want to pay only Sh. 5." And if I say something wrong, when the police officer comes to my home and finds that I have deceived the man from whom I bought my set, then he finds

out that I have done something wrong; and I think there should be provision included here to stop people trying to deceive the men in the shops, saying they are poor, when actually they are able to afford it.

Now I see here that the subject of names is mentioned, that a licence must be in the name of a person. The Minister then should be able to advise me as to whether, when I am buying a family radio, I am going to specify the name of my wife or my own name or anyone living in my house, because I may be having two radios, all of which are in my name. I think what the Minister should do is to say that in the future there shall be a licence which has on it the number of the radio. So that if somebody sells me his radio, he should also give me the licence so that I do not have to go again and buy the new licence just because the radio has changed hands. I think that if the Minister would look into that, that would also help.

Another thing is that the Ministry intends that if somebody fails to pay for the licence, then the radio may be confiscated. If this is thought to be reasonable, well and good; but I think the Minister, in order to get more money from the people, should also say that if you do not repay your car loans, then you should forfeit your car. But this is not so. I think the Ministry should say that if a person has not paid a card should be given and after one week or one month, if this man has not got a licence, then he should be taken to court and be made to pay, let us say, three or four times the amount he should have originally paid. But this idea of confiscating the radio, I think it is too much, and I do not think the Minister should really insist that a person shall lose his property like that.

For example, Mr. Speaker, at a time when I have money I can buy my father a radio, worth about Sh. 500 or Sh. 600, and then tomorrow I do not have any money, and my father, who is supposed to pay only Sh. 5, because he is a poor man, is not able to pay. Then the Ministry will come and take away the radio which is worth Sh. 500. I think the people will think the Government are thieves. I think what should happen is what has been happening in the past, but I think that would be robbery, sanctioned by the Members of this House.

I think what should be done is if the person was to pay Sh. 5 and did not pay, that they should pay about Sh. 50 in the form of a fine so that they will know that they should pay on time, but they surely cannot take the radio. I think it is too much to take the radio away.

[Mr. Anylen]

Mr. Speaker, I would like to thank the Ministry and I hope that they will not allow any person other than the Chief Inspector of Police to come into the homes, because if you allow people to get below that rank to come into the homes of set owners, you may find that you will have thieves coming into these homes without identification and asking the owner of the house to produce a licence and then they may say "since you are not able to produce a licence we must take the radio", and later on, you find that these people were not policemen at all, but rather thieves, so, I say that these police officers should be in uniform. As you know, many of our mothers and fathers are illiterate and any person can come into their homes and present a card with a picture on it to them and take their radios if they are unable to produce a licence, so I think the best idea would be, as section 14 of the Bill says, "unless these gentlemen are of the rank not lower than that of a Chief Inspector of Police they should also be in uniform." I do not really believe that it is necessary to oppose the Bill, but I believe that this matter should be brought up for discussion so that Members can give their views and when the Ministry brings this Bill up for the First Reading, as has been the case with the Ministry of Agriculture, I believe it will be in order to incorporate some amendments into the Bill so that it does not bring unnecessary inconvenience to persons willing to pay for their radios. With those few remarks, I do not think it will be necessary to oppose the Bill.

The Speaker (Mr. Slade): Order. Having heard considerable repetition of several points on the Bill, I think the House is entitled to consider the clause now.

(Question put and negatived)

The Speaker (Mr. Slade): I would point out that there is some repetition on a number of points. I hope that hon. Members will try to make new points only.

Mr. Jahari: Mr. Speaker, Sir, I do not think we intend to oppose this Bill, but our intention is to try and correct the weaker points of the Bill. The intention of the Minister is all right and as the Minister has been doing a good job in clearing out all the rubbish which was in that Ministry and the Voice of Kenya also has done a wonderful job since it has taken over. We therefore hope that when we correct the few weaker points of this Bill the Minister will not misunderstand our intentions, which are to correct these weaker points thereby simplifying his work.

Mr. Speaker, first of all the duty of the Minister for Information is to enlighten the people, particularly of Kenya, with regard to all the plans and intentions, also with news of what is going on within the country and internationally. We believe that the simplest way to spread this news is through broadcasting and perhaps telecasting and therefore the first intention of the Minister should be to extend this news to the people of Kenya, at a minimal cost, but the Ministry should also be prepared to pay a little money for the cost of carrying on this department. That is why we accept the fact that we should not pay a fee for receiving the news and information transmitted to us through our radios, televisions, etc. from the Ministry, but on the other hand, we should not pay for this service in the same manner in which we pay for our daily newspapers.

The plans for collection as given by the K.B.C. were very bad, I must say, poorly organized and that is why you find today, that although we have some the Ministry is unable to collect even 50 per cent of the fees which they should be able to collect. First of all, it was because the fees were very high, Sh. 40 was a great deal of money to pay for a radio licence and I see here that the Minister has reduced it to Sh. 20 all around. There are still people with low incomes who will suffer a bit, because to them it means a matter of raising the fees of Sh. 20, but I think it has been an all round fair figure. I must say, Mr. Speaker, that it is a much better figure from that of 1962-65 and earnings have been raised and I believe that a fee of Sh. 20 will not be too much, but there is one aspect which is unfair, and that is with regard to those people who own more than one set. You will find, for instance, a Member of Parliament may have a radio in the house, and it is necessary that he have a radio in the car, and a radio in his pocket because he has to listen to the news, he has to listen to all broadcasts because you may hear through a broadcast over the radio that there has been an emergency meeting called, and if you do not have a radio handy, either somewhere in your pocket or in the car you may not know what is going on, and that is why I feel it is unfair for a person who owns more than one radio through necessity to pay Sh. 20 on each set.

The Speaker (Mr. Slade): Several Members have made this point already. It is still in order to say that you agree with them, but we do not want to have the argument all over again.

Mr. Jahari: There is one argument which no one has mentioned on that point and that is, Mr. Speaker, the type of broadcast is the same. You do not get different news on different radios, so

[Mr. Shikuku]

What payment, Mr. Deputy Speaker? Here the man has had a licence and probably it has been destroyed or lost. Has he got to pay again a certain sum of money to get another licence or is it that he has only got to pay a nominal or small amount as a sort of penalty for having lost the licence or having been careless with it? I would be very happy if the Minister would try and enlighten us on this. If it is a question of paying for the licence because you have lost it, then it is a bit too much; but one could pay a certain sum of money—let us say, Sh. 3 or Sh. 2 for having lost one's licence. And I do not think he would lose it the next time, Mr. Deputy Speaker, if the system I have suggested is adopted, whereby it is put beside his radio, after the payment of the amount required for the licence.

Mr. Deputy Speaker, I do not think I have much on this. I hope the Minister will consider the few observations I have made. But before I finish, Mr. Deputy Speaker, I must say something about clause 15, where the case of obstruction is concerned. Here there will be a lot of misunderstanding because when these people come into your house, you might be having a bath in the bathroom; your radio set is on, these guys come and knock at your door and then you might be late in opening the door. And then they get furious when they come in and say "Why did you not open your door?" You will have the askaris getting tough with you and they might well sue you for obstruction, when actually you have not been obstructing them, it is merely a question of being unable to open the door.

But if we leave the clause as it is, namely, "a person willfully obstructs, intending hindering or resisting any person in the execution of his duty under this Act shall be guilty of an offence and shall be liable to a term of imprisonment not exceeding six months or to a fine not exceeding Sh. 1,000 or both such imprisonment and fine," there will be a lot of misunderstanding; and I think that if the system I suggest could be adopted, this would not arise at all. If these people are going to pop in at any time, sometimes they are really a nuisance, then these people are going to get very vexed and might answer the officers rudely because they might knock on the door very loudly with their cards in their hands. But if we had a system of returns, whereby the people with sets have given in their addresses and they can be written to, then if such a man comes in, the person concerned or the owner of the set was then rude in those circumstances, he would be conscious of being rude and would be guilty of it.

But sometimes you have these people popping into your house in a very rude manner when you have paid for your licence; and then there will be a lot of trouble, with people being asked for obstruction, when in fact they were actually interfered with and the askaris were actually rude. Of course, we must have the addresses of all these people and they should only be contacted in the way the East African Power and Lighting Company gets in touch with the people who do not pay their electricity bills. If such a person fails to pay for two or three months, then that person will be dealt with. This would be much better than going round all the houses and stopping every Tom, Dick and Harry on the way, checking up on these licences.

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

Mr. Anylen: Mr. Deputy Speaker, Sir, on a Bill like this, which requires the payment of certain sum of money, I know it is a bother; so before I start saying what I want to say, it is not that we do not want this Bill to go through, but that people do not have to pay for a licence for their radios, but we would like to give some wires. I hope the Minister is trying to take these points down so he can try to lessen the trouble as much as possible, while maintaining the payment of these licences.

I must, first of all, thank the Minister for saying that not everybody will be allowed to come into people's places, since the Minister has said, in clause 14, that "at all reasonable times, a licensing officer or police officer of or above the rank of chief inspector may enter the premises." I hope that people who have attained the rank of chief inspector will be responsible and therefore I hope they will not trouble people who have got licences or who might have not bought them merely because they have forgotten.

I must thank the Ministry for their past practices. The past practice has been very good to me, although I do not know whether other people found it as good. I remember one of these officers coming to my house; he knocked at the door, he did not want to come in; I walked out of my house and he showed me a card and asked me to read it. I read the card, and he said that if I had a radio licence I should fill the number in on the card, and if I did not have one I should go and buy one almost immediately and report it. If I did not do that within a specified time, they would come back again and prosecute me. I think this is very fair because, you know, a lot of people just forget; we are busy people at times and we forget. It is not that we do not have the money, but we just forget; and if they will

[Mr. Anylen]

come round and remind us, unless the fact is that we do not want to pay, we will pay immediately. I hope this will continue to work.

For example, my friend, the Minister for Education, may not be thinking about his radio licence at all, he may be thinking of something else altogether; it is not that he will not pay. But if someone can come to his house and remind him, even if he is not at home, that person can have a card in the house. Then when the Minister returns, he will see the card and he will say, "Oh, I forgot my licence, the time has expired." Then he will send someone to renew it. I think this could help very much.

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

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

Another thing I would like to say, Mr. Speaker, is that I think the Ministry here has been a little bit unkind to people who must have more than one radio. I see here from the Minister's speech that if you have got two radios you will pay for one and an officer who comes in will give you two licences, and you will not pay extra; I hope I am right in saying that. But then sometimes you do have two or three radios. For example, sometimes I stay in my car so I have got a radio in the car. Also at home I have got a small radio with which I can move around in the house; and I have got a big one. If my guests come, I offer it to them.

Honestly, the Minister should not make me pay for too many licences, because while I am using the big radio, I am not using the small one and when I am away from the house, I do not see that radio, I use the one in the car. Now I would like the Minister to make it clear that if, for example, I have brought one radio for my family and I am leaving it for them when I go away, then I think it would be understandable. But then to say that strictly you must pay for three if you have got three, I think that is a bit too much and I hope the Minister will be able to consider that and make sure that, in a given situation, you do not have to pay for too many licences, when actually you only use one radio at one time.

Again, Mr. Speaker, I do not see why a person who has got a television set, which has also got a radio, should pay twice, because you will find that he does not use the radio at the same time as the television. What the Minister should do is to let the Minister be listening to some of these points, because it will help him to get a good relationship between the Government and

those who listen to the radio—what the Minister should probably do is: since it costs a little bit more to buy a television set, a person who has got a television set and a radio should pay for the television licence only, so that we make sure that no one uses television without paying any money.

That would be fair, because if the Minister can prove to us that a man who is listening to television will also listen to the radio, which is on at the same time as television, then that man should pay twice, but I do not see why one should pay twice otherwise. It is the same as asking me to pay twice for one windscreen, the one in front and the one behind, when I only use one at a time.

Now, Mr. Speaker, provision should be made; the Ministry should know that in the countryside we have got people who have got those old radios which require a Sh. 25 battery before they will work. Many of our people have got these radios and they have no money to buy a battery; they do not have the necessary Sh. 25. So these radios, many of them, as the Minister will have heard during the greetings programme, are like boxes. If somebody, therefore, should come and find that the radio is there but there is no battery—the owner is very poor and he used to have money, but now the money has gone and he cannot afford to change the older battery—then I do not think the Ministry should insist that the man pays for a licence, without his actually being able to use the radio. Even as regards road licences for cars; you do not have to get a licence for a car without wheels; you only have to get a road licence if the car is actually on the road. So I would be glad if it could be specified in an amendment later that if the radio is not in use—and I think these officers must be capable of seeing whether a radio is in use or not; they must be able to distinguish between one that is not being used and one that is nice and clean and in a prominent position and whose owner has merely removed the battery. I think someone of the standard of a chief inspector of police will be able to say whether such a radio has actually been in use or not.

Another point is the question of fixing the licences on the radios. The Minister, I think, is forgetting that the majority of our people live in thatched houses with bare floors, and you will find that there is a lot of dust. And he should also know that clean methods of using tables and other furniture of that kind are not very much used by our people at home. This may not be very difficult for people like the Minister and the Members here, but for our people at home,

[Mr. Shikuku]

When a man buys a radio, he will get a book with all the years stated in that book. It should be a small book which could be kept tidy, and the which could be kept inside the radio, and the receiving licences which will be issued after that will be able to be pasted lightly in this small booklet. It is better than having the licences pasted on the radio, which will make it look terrible, I hope. Mr. Speaker, Sir, that the hon. Minister will agree with me on this, because even his own set will look terrible. This also applies to the television sets. Television sets have so little space to put the licence, and therefore this little booklet will help as far as the receiving licences of these sets are concerned.

The other thing, Mr. Speaker, Sir, which I would like to raise under section 9 (4), which says that:—

"A set seized and retained under this section shall be released to the owner or the person who had possession thereof on production of a valid receiving licence relating to such set, and such owner or possessor."

Mr. Speaker, Sir, it so happens that some of the poor people, for example, the people from Butere and also the rural areas, are unable to pay for these licences, and sometimes it is difficult for a poor man or woman to pay these yearly receiving licences, which is Sh. 40, so I am told. Shall we pay more this time? Mr. Speaker, Sir, I think I should give way in order that the Minister for Information can tell us what the correct amount is.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I think that it is better if the hon. Member carries on, and I will tell him all about it when I come to an answer.

Mr. Shikuku: Thank you. Well I assume at the moment that the cost is Sh. 40. In subsection 4 it is only a question of when one person fails to pay, then what will happen to them? It does not say how much one has to pay, but nevertheless, Mr. Speaker, Sir, if it is a question of Sh. 40 being the fee, then it is too much for a person in the rural areas or the poor people to pay, because we also have to face the fact that the income of these people in the remote areas is so small that they cannot afford to pay Sh. 40 every year for a set, because the Personal Tax itself, which is Sh. 48 is sending a lot of them to prison because they are not able to pay. If they cannot pay their Sh. 48, then how can you expect them to pay Sh. 40? I think that this amount should be graded in accordance with

how much a person earns. Only the people who are earning enough money to pay the Sh. 40 should be made to pay that amount and then the others who do not earn as much as the high class people, should only have to pay something in the region of Sh. 10 per year. What I feel, Mr. Speaker, Sir, is this, that if it is as it is stated in subsection 4, where it says that a person failing to pay these fees will have his or her set confiscated or taken over by the aitari or by the Government, then what will happen to that particular set when the particular person to whom it belongs, has still been unable to take it back, is the Minister prepared to tell us where this radio so taken will be sent? If it is going to be sold, then will the balance, after taking the money for the licence from it, be given back to the particular person? Confiscating a radio which may have cost anywhere in the region of Sh. 300 to Sh. 600, just because one has failed to pay Sh. 40 for the licence, is in itself too much, but I would be happy, Mr. Speaker, Sir, if the Minister would tell the House what would happen to such a set which had been taken if the particular person is unable to pay in order to get it back? If they have to sell it, then could the Minister assure the House that they would only take the Sh. 40 and give the remaining money to the owner of that particular set?

Mr. Speaker, Sir, the Minister seems to be a bit frivolous on this point:—

An hon. Member: So are you.

Mr. Shikuku: No, I am very serious, because I know what is going to happen. I would like to know:—

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am sorry to interrupt, but I have noticed that the hon. Member, who is speaking tends to treat us to some frivolous exposition of the Bill which is clearly not written in the Bill. If he was to be more serious then perhaps we would be more serious too.

The Deputy Speaker (Dr. De Souza): I think the hon. Member was objecting to, as he says, you being frivolous with regards to the Bill.

Of course you are allowed to speak, strictly hon. Members can only stand up on a point of order, unless you give way to him, which you did.

Mr. Shikuku: I did not. Is that a point of order?

The Deputy Speaker (Dr. De Souza): No, it is not a point of order. He stood up and you gave way.

Mr. Shikuku: Mr. Speaker, Sir, I am sorry I thought it was a point of order only to find that it is a point of information, which has been completely:—

The Deputy Speaker (Dr. De Souza): Let us proceed.

Mr. Shikuku: Mr. Speaker, Sir, if I may continue, I do not think that I am talking frivolously, I am being very serious and I am speaking the mind of the Butere people here. As the hon. Member is not representing any constituency, and he does not know what I am talking about.

The Deputy Speaker (Dr. De Souza): You must stick to the point, Mr. Shikuku.

Mr. Shikuku: I will thank you, Mr. Speaker. In clause 9 (5) where it states that:—

"A police officer of or above the rank of Chief Inspector, or a licensing officer, who has reason to believe that there is an unlicensed set in any premises and that any delay occasioned by obtaining a search warrant would substantially prejudice the investigation or such matter . . ."

Mr. Speaker, Sir, I think that this clause should be done away with because when someone buys a set, and it appears to me that the hon. Minister agrees with me when I suggest this, that when someone buys a set, and he buys at the same time a licence, and also purchases a booklet, in which he could then have a place for a receiving licence for years. I do not think it will be wise for a police officer when he finds that such a radio is not licensed, he forces himself into the house. I suggest, Mr. Speaker, Sir, that when someone has a receiving licence for that year, then his returns are made and his name is noted, and then these people are supposed to submit their returns to the officer concerned, so that the people can always contact him wherever their set is, and this could be issued very efficiently. It is wrong, Mr. Speaker, Sir, to get this officer and have him travelling around all the houses, among those houses and when he comes in the face that you have paid your licence. He goes off, apologizes and probably he has interrupted you while you had visitors. I feel, Mr. Speaker, Sir, if these returns are made, the person's address is there, and if he does not pay, if he fails to pay for the licence, then this particular officer should go very definitely to the house of that particular man and ask him for a licence, after having warned him twice that he has not paid for his radio licence. I would not welcome people popping into my house and into the houses of people in Butere and harassing them for their receiving licences.

The hon. Minister is also aware that these people when they come look terrifying in their terrible uniforms, and they look foreign. It is internationally known that there are very few people who like seeing policemen, with the exception of Ministers, of course, but they do not keep them in the houses, they keep them at the gate, where they sit, then the Ministers do not have to look at them all the time.

Mr. Speaker, Sir, the other issue is in clause 10 of the Bill. Here it says that:—

"Any person possessing more than one sound receiving set, who holds a valid domestic comprehensive or domestic concessionary sound receiving licence must surrender such licence to a licensing officer who shall issue two domestic sound receiving licences in lieu of a domestic comprehensive licence . . ."

I do not understand this clause, Mr. Speaker, and perhaps the Minister would enlighten me. At the moment, the system is that if you have a licence for one radio, it covers all the sets you have. Is the Minister, in stating this here, trying to tell us that all those people who have got more than one radio have got to go back and have new licences issued, at no extra cost, because I do not quite understand whether, when you go you have got to pay for it. The system now is that if you have one radio, its licence covers one or two or four radios, any other number you have. I have three radios, and I have got a licence for one, and I was told it covered the other two as well. If this system is going to be changed, will the Minister tell the House whether all those with more than one radio will have to go back and then have licences for all the radios, all these documents.

This is very important. If it is going to be every set needing a licence, Mr. Speaker, then I think it is a bit unfair for an ordinary man who wishes to trade in radios. I think the present system should be carried on, except that we should have licences or documents to prove that we have paid for the first radio and therefore all the other radios, apart from the first radio, will be included, and you only get a kind of duplicate receipt to show that you paid for a licence for the first radio.

On the same page, Mr. Deputy Speaker, there is, clause 11, where it is stated:—

"If he is satisfied that any licence is lost or destroyed, a licensing officer shall, on payment of the prescribed fee, issue a certificate of issue of such licence to the licensee, and such certificate of issue shall, for the purposes of this Act, be deemed to be a licence."

[Mr. Makokha]

out, but personally I feel that they should be included in these groups that are to have concessionary licences.

Lastly, Mr. Speaker, in section 17 I think the Minister for including a subsection on people who are not able to pay certain amounts of fees and who applied for exemption, but I hope, Mr. Speaker, it will be easier for these people to apply for this exemption. I cannot imagine somebody in Bustia who owns a set applying to somebody in Nairobi. I would like, Mr. Speaker, if chiefs are going to be included among licensing officers—that is, if the Minister agrees with me—or if they are not and this does not go through, at least the district commissioners will be allowed to give exemption to those people who feel they should apply for exemption.

With these few words, Mr. Speaker, Sir, and believing that at the Committee stage the Minister will take into consideration certain points I have raised, I support the Bill.

Mr. Waritithi: Mr. Speaker, Sir, this Bill intends to provide control of the licensing of radios and televisions and I would say at the outset that it is a very welcome Bill and we hope that the Minister will be able to make use of the radio and television, after we give him the powers to collect revenue which will be forthcoming from the licences on radios and televisions.

It is appalling that under the Memorandum of Objects and Reasons, we find that so many radios were used in 1963 without licences and I think it is important that people who get services from the Voice of Kenya—either through radio or television, should pay for it. On the other hand, I would say that whilst the members of the public have been asked to pay for licences, either for radio or television, they would expect to benefit greatly from the programmes which are put on the radio and television.

I would like to say that in television, for instance, I would prefer the Minister to make use of this medium in enabling the people of Kenya to know what is happening all over the country. There are many projects and developments which could be made use of greatly by being shown on television—

The Speaker (Mr. Slade): Mr. Waritithi, this Bill is concerned with the collection of revenue only. I am afraid.

Mr. Waritithi: I do not want to say much on that, I was just making a general remark on it.

To go further, Mr. Speaker, section 5, subsection (2), says, "No person shall be in possession

of a set unless there is in force in relation to such set, and to such person a valid receiving licence issued under this Act". It then goes on to provide no dealer shall sell or let or hire without licence and no repairer shall accept. When this section is read with section 9, I fail to understand why the Minister requires power to be given to a police officer to seize a radio. I feel that sufficient powers are given under section 5, subsection (5), which makes provision for the punishment of any person who uses a radio without a licence. It is provided that he can be imprisoned for a term of six months or to a fine not exceeding Sh. 5,000 or to both such fine and such imprisonment. Then under section 9 you find that a police officer is given power to search and to require production of a radio, so that the police officer may search for a licence. If a licence is not available, it also provides that the radio can be seized by the police officer. Here, Mr. Speaker, I fail to understand why the Minister wants the powers under section 5 and also under section 9 where the radio is going to be seized from members of the public. I am not saying that somebody should keep a radio without a licence, but what I am saying is that under section 5 I feel quite satisfied that any person who uses a radio can be dealt with.

There are other commodities which require licensing and I do not think there is any other case where it is provided that the article has to be seized by the police for lack of a licence. So here I would request the Minister, which he comes to reply, to satisfy me as to why he has found it necessary to require the powers given under section 9.

To go further, Mr. Speaker, I would like to comment on the Schedule. As the hon. Member, Mr. Makokha has said, there are certain community concessionary sound receiving licences and the classes which are covered by these types of licences are categorized. We have in the country halls which are meant for recreation purposes, halls which are called in most parts of the country, and if the Minister has considered it fit country, to allow such concession to youth clubs, *Maendeleo ya Wanawake* and others, I would request him to consider to include social halls which have been set up in individual headquarters where people go for recreation and these are not used for any benefit whatsoever. So, Mr. Speaker, I would request the Minister to consider including social halls for recreation purposes and also, as my hon. friend said, secondary schools and other institutions.

I see that the implementation of this Bill will cost the taxpayers £5,500 but comparing that with

[Mr. Waritithi]

the amount of revenue to be collected from the Bill I feel that this sum is worthwhile spending and we hope that the Minister, after having obtained these powers for collecting revenue, will see that radio and television services are improved to the benefit of the country.

Mr. Shikuku: Mr. Speaker, Sir, I have a few points here which require clarification from the Minister concerned, and there are some parts with which I totally disagree.

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

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

Looking at the Bill as it is, on page 89; under clause 5, subsection 3 says, "No dealer shall sell, let or hire on transfer possession of a set to any person unless such person has produced or until he takes out a valid receiving licence in his own name and relating to such a set." Mr. Deputy Speaker, here is a problem which is going to affect most of the people, particularly in the rural areas. I hope the Minister has not quite forgotten that life in the rural areas is quite different from the life in the town. It so happens, Mr. Deputy Speaker, that when you buy a set here in Nairobi, you go home with it and probably your mother would like to have it or your father-in-law or mother-in-law, who know nothing about these licences. If this is applied, it means that if that radio goes out of order, while the son is in Nairobi, whoever has the set will not be able to repair that particular radio just because the son is away in Nairobi. I am of the opinion, Mr. Deputy Speaker, on the question of a dealer repairing or selling a radio, that it is enough for that particular dealer to sell or repair a radio provided that he has a licence, and I do hope they all apply for a licence to repair. But if the dealer is not going to sell or repair the radio of somebody who has brought it to him, then that is a bit too much. I personally have three radios—one in my car, one in my house and the other with my mother—for which I have licences. But it so happens that one can lose these and it becomes very difficult at times to find the receipts of the radios I have bought; I can hardly find them even today. But, this does not mean that I will not have these radios repaired if they go wrong. That is why I am trying to raise the point that this question of refusing the dealer the opportunity to repair the radio should not arise at all but it should be that the dealer must have a licence to repair.

As far as the question of the radios being sent to the dealer is concerned, the particular

person who buys the radio shall only buy from the dealer who is licensed and who will be giving returns to the Government and, therefore, when the person buys a radio from the dealer, he will automatically be given a licence before he gets that radio. That is the only way of helping the people, because some of us are very good at losing documents, particularly when we have so many papers to handle.

Mr. Deputy Speaker, of course that goes also for subclass 4 of clause 5 which says, "No repairer shall accept from any person a set for repair, or after repairing it deliver a set to any person unless such person has produced a valid receiving licence in his own name and relating to such set." Of course, a receiving licence should be issued at the same time as the radio is being sold. I think it would be easier for the Government, if when a person buys a radio, before the radio is delivered to him, he also buys the receiving licence, so that he does not have to be bothered later on. I would hate very much, Mr. Deputy Speaker, to see an askari of the hon. Minister for information coming and knocking at my door when I am listening to a very good record and then he asks me for the licence; I do not like this embarrassment. I think it can be safeguarded.

That is one of the contributions I wanted to make, Mr. Deputy Speaker, and I hope the Minister agrees with me that this should be done that way.

The other issue is in connexion with clause 9, subsection (1), where it says, "Every set shall at all times have attached to it a valid receiving licence . . ." Mr. Deputy Speaker, I think this is getting rather too much. A radio is supposed to be a very polished sort of container with machines in it and it looks very beautiful, but I just do not know how it would look if you have licences pasted on one side of the radio. Of course, I suppose the Minister is aware that we have to pay for receiving licences every year. If it is so, Mr. Deputy Speaker, it means that licences for 1964 will be fixed somewhere, then for 1965 they will be fixed somewhere, and in 1966 it will be pasted somewhere else, and in the end we will find that the whole radio is covered in nothing but receiving licences. I do not think this is logical and sensible at all. I am of the opinion that this question of licences being pasted on the radios looks odd and almost irresponsible, because it will look terrible to have a nice, beautiful set with receiving licences pasted all over it. Here I feel that we must not have these receiving licences pasted on at all, but a book should be introduced with dealers.

[The Minister for Commerce and Industry]

As far as my hon. predecessor in the Ministry is concerned, the point is that if we do accept this constitutional violation, then the position will be that the law we are trying to pass will not be able to operate because it will be in conflict with our Constitution. Therefore we will not have been doing ourselves any good at all by going against the provisions of the Constitution.

The Speaker (Mr. Slade): I gather that hon. Member wish to hear what procedure is available before I put the question. I cannot add much to what I have already said, I am afraid. If the House now disagrees with this amendment and insists on its own amendment, then there is only one move that can be taken immediately under our Standing Orders, and that is reference to a Joint Committee, consisting of representatives of both Houses appointed by the Sessional Committees of both Houses. Such a joint committee makes a report to the Houses, and if it is unanimous, and the Houses accept the report, then that report takes effect. If, in this case, the Joint Committee reported that, after all, the Senate amendment should be withdrawn, it would be withdrawn and the Bill would go through. There would not be very much danger in that procedure, if it were known from the Senate before hand that they were taking that line.

If, on the other hand, the Joint Committee made a report which the House found it could not accept, then the Bill would have to be withdrawn.

There is another alternative, not yet available to us, which might be considered by our Sessional Committee, and that is the amendment of our Standing Orders to enable the return of the Bill to the Senate at their request. It would have to be accompanied by a similar amendment of the Senate Standing Orders. That alternative could easily be considered by our Sessional Committee, even this evening.

The Assistant Minister for Education (Mr. Mutiso): On a point of clarification, Mr. Speaker, if I understand quite correctly, I believe that this Joint Committee of both Houses will have to consider this Bill, if it is indeed referred to this committee, and the report would have to be submitted to both Houses, or to this House, within six months. Now this would mean that some other discussion could have been introduced in the same report, thus meaning that this Bill will never become law until after six months or seven months or something of that kind.

Now is there no procedure whereby, if it is the Standing Order which lays down this period of six months, we could amend that Standing Order to make the time less than six months, so that we can speed up this matter, since this is our first experience of Bills being referred to the Senate, and we never had this kind of procedure before?

The Speaker (Mr. Slade): There is no period of six months which has to elapse before the Joint Committee reports. I think the hon. Member is confusing this with another Standing Order, which says that this House can resolve that consideration of the amendment be delayed for six months. The Joint Committee could do as soon as it is appointed, and report as quickly as it is disposed to do so.

I do not think I can tell the House any more. *(Question of the Senate amendment put and negatived)*

(Ordered that the Clerk acquaint the Senate with the decision of the House on their amendment thereto)

BILLS

Second Reading

THE BROADCAST RECEIVING (LICENSING) BILL

(The Minister for Information, Broadcasting and Tourism on 31st March 1965)

(Resumption of Debate Interrupted on 31st March 1965)

The Speaker (Mr. Slade): Hon. Members will recall that we had at the close of business yesterday proposed the question that this Bill now be read a Second Time.

Mr. Makokha: Thank you Mr. Speaker. This is not a particularly bad Bill. As the Minister said yesterday the purpose is to see that every set will have a licence and also to see that licences are attached to sets, but I have various criticisms of this Bill, which I would like to see amended at committee stage. But before I come to this, I would like to say a few words on interpretation. Now, first the word "repairer". Mr. Speaker, Sir, I hope that with regard to the word "repairer" the technical definition will be word "repairer" who is a person who adhered to because I know a lot of people who repair radios as a hobby, but who do not repair radios as a trade and whose business is not the repair of radios, but they are able to do so because it is their hobby. I therefore hope that the word "repairer" will be clarified so that people will not be unnecessarily penalized.

(Mr. Makokha)

Another point that I am seeking clarification on is with regard to the word "sets". I do not, and this may be due to the fact that I am not a learned person as a lawyer, but I do not see anything in the Bill which says that broken or spent radios or sets which have already been scrapped, will not require a licence. I would therefore like, unless the Minister convinces me otherwise, that this Bill contains a subsection or a section that will ban the licensing officer or the police from demanding licences from those people who own radios which have been scrapped and which are not in a working condition.

Another point that I wish to bring up at this time is section 4. Appointment of Licensing Officer will be the Director of Broadcasting and the chief commissioner. I would personally like to see Mr. Speaker, chiefs included because out of the country, the chiefs know better than anyone else the number of people owning sets, thus they will be able to help the Ministry to collect more tax from people owning sets. I remember, just to give an example, Mr. Speaker, that at the moment in my district there is complete confusion with regard to graduated personal tax, because the district commissioners including the chiefs still believe that it is the responsibility of the county councils and the county councils say that if we may have the same problem here, unless we clearly define that chiefs are also taxing officers.

Now, with regard to subsection 4, in this subsection, Mr. Speaker, Sir, the Bill is declaring a war between repairers and owners of the sets, because in that subsection it says a repairer of a set is not to return a set to the owner, unless and until the owner produces a licence for that set. Mr. Speaker, Sir, I must say, that I do not see any need for this because in section 9 we have already given power to the police officers to search the premises and ask for licences, so, I would therefore beg to the Minister, unless he can get a very good reason for this, to remove that particular subsection from section 5.

Mr. Speaker, Sir, I now come to section 8, which deals with the duration of licences. I see in the Schedule that some fees or licences cost as much as Sh. 200, others are Sh. 100. I do not see any reason for not allowing licences to be purchased annually, so that a person who has not got a Sh. 100 there and then, can pay Sh. 50 for the first six months and the remaining Sh. 50 for the following six months. I have found, that in my home particularly that taxes seem to fall due at the same time, so you will find that you

will have a person paying, graduated personal tax, school fees and more than likely, at the same time he will be required to pay the tax on his set licence and therefore that particular person may have to pay as much as Sh. 900 or Sh. 1,000 in taxes all at one time, so that is why I ask the Minister to reconsider and perhaps allow the licence fees amounting to large sums to be paid bi-annually or quarterly, if possible.

With regard to section 9, subsection 1, we have a subsection requiring that these licences must be attached to the sets. Here, Mr. Speaker, I must say I disagree and I would like to see this requirement removed, unless the Minister tells me that he is going to make these licences from plastic or metal so that you can tie it to the set, but if it is a piece of paper, Mr. Speaker, Sir, it is going to be a nuisance, because children are likely to damage it or soil it. I believe that most set owners are capable of looking after their licences and are able to keep them within reach in case a police officer comes into their homes and demands to see it. I am sure they would be able to locate these licences and present them upon request without necessarily having them attached to the set. I believe the Minister is well aware of the size of some of these sets. Some of them are so small you can put them into your pocket easily, now if you are required to paste this paper licence on to the set, I doubt if it will last very long.

Now, section 12, Mr. Speaker, Sir, I take to be very harsh and very unfair in the way it is drafted in this section. It says where a dealer or repairer is refused a licence by the licensing officer, he may appeal to the Minister, but the Minister has the last word as to whether the repairer is allowed to have a licence. Should the Minister concur with the Chief Licensing Officer, the poor dealer or repairer has no other place to go to, so I feel, Mr. Speaker, that this is very harsh; in fact we may be killing the goose that lays the golden egg. I feel that if the Minister should concur with the Chief Licensing Officer the dealer or repairer should be allowed to go to a court, if not a court of law, perhaps another court should be set up where these people could take their grievances.

Now, as to the Schedule, Mr. Speaker, I see that we have groups where concessionary licences will be issued, but in both these groups I see that primary and intermediate schools are allowed to have concessionary licences, but for some reason or other, I do not see secondary schools and teachers' training colleges included, perhaps the Minister has a reason for leaving secondary schools and teachers' training colleges

[The Minister for Commerce and Industry] would necessarily mean a Constitutional amendment, not a simple legislative process, and therefore if you were to accept what the Senate has said, we would, in fact, be considering a Constitutional amendment giving powers to the Senate to control financial measures which up to now, have been left to the House of Representatives.

Therefore, Mr. Speaker, I am unable to recommend the Senate's amendment, and we must insist on the position taken by the House previously.

Mr. Warlthi: Mr. Speaker, Sir, this is, I think, the second time we have had to discuss an amendment, sent back by the Senate, which touches on constitutional provisions. And I would ask the Government to try and explain the position. If it is a constitutional provision, I fall to see why the Upper House should insist on an amendment which is against the Constitution and I believe it is the duty of the Government to use any machinery which may be available to show, not that we reject or do not respect the Upper House, that some of the amendments they insist upon cannot be accepted.

In supporting what the Minister has said, I would really request the Government to explain the position, otherwise it will appear as if we are having a tug-of-war with the Upper House, and that is not the case.

Mr. Ngala-Ahoki: Mr. Speaker, Sir, before the Minister explains the position, I would just remind hon. Members that I doubt whether the Minister will explain the position any more fully than has already been done by the Speaker, about the reasons for not returning this amendment to the Senate, because it does not appear anywhere in the Standing Orders that such an amendment can be returned to the Senate again, that since this is the second time the Senate has returned this amendment, this House cannot return it to the Senate a third time.

May I just make my position clear, now, if this is the second time that the Senate has insisted on getting these clauses amended, and if there is anywhere in our Constitution a clause which allows the Minister from this House to refer it back to the Senate, I think it would be a good idea if we did refer it back to the Senate, this time to show them that it will not pay to keep on insisting having these amendments, which will make this House a party to the position of having to send it back again. That is the point that the Senators should learn; the Senators should learn that it is not in our Constitution and that, when

they send an amendment back to this House and insist on it, this House will have no regard for their intentions, except to reject the idea of sending it back to the Senate and therefore let the Bill lie dormant. This explanation is required to be understood by the Senate, and if this is the second time that they have sent this Bill back, I would like to ask the Minister, just merely for teaching purposes, to send it back, to advise the Senate and let the Senate this time know that they have got to accept what was in the original Bill.

That is all I have to say, and I hope the Minister will clarify this issue.

The Speaker (Mr. Slade): With regard to procedure, I must explain again that there is no provision in our Standing Orders or in those of the Senate, for the Bill to be sent back to the Senate after it has been twice to and fro. The only further move available immediately is reference to a Joint Committee.

That does not prevent some amendment to Standing Orders, if recommended by the Sessional Committee, and accepted by this House and by the Senate, which would provide for a Bill going back yet again to one House or the other, if the House, of its own volition, invites it. There will have to be a limit to it; one cannot have Bills going to and fro an unlimited number of times, but the Sessional Committee might like to consider an amendment to Standing Orders, in consultation with the Senate, and in a case like that of the Kenya Meat Commission (Amendment) Bill, we know that the Senate would like to have it back and withdraw their amendment.

This may occur on future occasions, but at the present moment it is simply a case of this House agreeing or disagreeing with the Senate amendments. I should point out that, in insisting on their amendment, the Senate have also disagreed with the amendment which was subsequently made by this House, when their own amendment first came back here.

If the House now disagrees with the Senate amendment, I think it is implicit that the House still insists on the amendment which this House made.

The Assistant Minister for Education (Mr. Muisoi): I would like to know, on a point of clarification, Mr. Speaker, in this respect whether it is not possible—since we understand that the Bill has been sent back a second time from the Senate, and since this procedure is known to the Senate and also to the Ministers responsible for such Bills—for them to, first of all, move the Bill to the Senate the second time it is returned

[The Assistant Minister for Education] from this House and explain to them the position, so that when it is returned here we could bear the reasons why the Senate has insisted on their amendment. This is because when the Bill is brought back here at this stage, we do not hear any mention of whether the Senate were given an explanation as to the actual reasons why the Bill should not be amended by the Senate, thereby causing it to be unacceptable to the House of Representatives.

The Speaker (Mr. Slade): When the Senate returns the Bill to this House with amendments, or when they are insisting on these amendments, it is accompanied by a copy of the Votes and Proceedings of the Senate, briefly recording why. Of course, HANSARD is available for hon. Members to study in detail what sort of argument was on the occasion of the Senate debate. I would suggest, if hon. Members are interested in these reasons, then they should study the HANSARD for the full report.

Mr. Muisoi: Mr. Speaker, Sir, I would ask the Minister for Commerce and Industry, who is in charge of this Bill, in order not to afford any further delay, to accept the Senate amendment because the two Houses of Parliament are the ones that constitute the authority together to make the laws of Kenya. Now, if one of the two Houses disagrees with the other, that is, if the Senate disagrees with what the Lower House does, and their argument is that we should replace the words "House of Representatives" with the words "National Assembly", this should not meet with any serious objection from the Members of the Lower House or from the Minister himself.

I am sure that the Minister, like all other hon. Members who are interested in speeding up the industrial development of this country, would not like to see this Bill not becoming law; and I would therefore urge my colleague—

AN hon. Member: What about the Constitution?

Mr. Muisoi: Well, if the Constitution does not cover the two Houses then that Constitution is wrong somewhere, and, in fact, that portion should have been included in the amendment Bills to the Constitution.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I do not know whether there is any point in making a comment on what the hon. Member said. There are two Houses and the functions of both Houses are clearly set out in the Constitution. Section 60 restricts the functions

of the Senate, and therefore they are unable to do what they would like with this Bill, because their powers are restricted. Section 60 imposes restrictions with regard to certain financial matters as far as the Senate is concerned. Financial matters are matters for the Lower House.

Mr. Muisoi: Mr. Speaker, Sir,—

The Speaker (Mr. Slade): You cannot speak again, Mr. Muisoi.

Mr. Muisoi: But, Mr. Speaker, I thought we were in Committee.

The Speaker (Mr. Slade): If you were in Committee, I should not be sitting in this Chair.

Mr. Ochwada: Mr. Speaker, Sir, that being the case, could the Attorney-General then explain—or probably the Minister for Commerce and Industry—as to how much he did to explain the position of the Constitution to the Senate. It does look as if the Senate is determined to delay this Bill; and, as far as some of us are concerned, industrial development in some parts of Kenya is absolutely essential and very urgent. And to try and delay the Bill or keep it dormant for some time would mean some delay in the industrial development of some areas.

I would like the Minister to try and give us an idea of what he intends to do about this and how much he has already done.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I think it is right for the Minister to speak by way of reply.

The Minister for Commerce and Industry (Dr. Kiavo): Mr. Speaker, Sir, I will be very brief. This Bill was introduced in the House by myself in person and then, when an amendment came up and was taken to the Senate, it was introduced there by my Assistant Minister, who is himself a Senator.

The point, however, is that from the points you have indicated, Sir, to us in terms of procedure, we would seek guidance as to how we could amend the Standing Orders in order to enable the Senate to withdraw its objections to the line we have taken. I have also the same feeling as my hon. friend, Mr. Osogo, that some discussions with the Senators, before we reach the Floor of the House, will enable the Senators to withdraw their insistence and to allow the Bill to pass. So we will be seeking your guidance as to how to amend the Standing Orders, in order that we can have this matter taken back again to the Senate; and this time, I am sure, it would meet with their approval.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Pensions (Amendment) Bill without amendment, the Trade Marks (Amendment) Bill with amendment and the Nurses, Midwives and Health Visitors Bill without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

BILLS

Reports, Consideration of Report and Third Readings

THE PENSIONS (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Pensions (Amendment) Bill and approved the same without amendment.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the Pensions (Amendment) Bill be now read the Third Time.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

(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 TRADE MARKS (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Trade Marks (Amendment) Bill and its approval thereof with amendment.

The Speaker (Mr. Slade): I understand that the amendments are so small that the House will probably agree to the consideration of the Report today.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I would like to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Trade Marks (Amendment) Bill be now read the Third Time.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

(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 NURSES, MIDWIVES AND HEALTH VISITORS BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The Nurses, Midwives and Health Visitors Bill and its approval thereof without amendment.

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I beg to move that the Nurses, Midwives and Health Visitors Bill, 1965 be now read the Third Time.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

(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)

(Consideration of Senate insistence on their amendments)

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House do now consider the Senate insistence on the amendments of the Kenya Meat Commission (Amendment) Bill.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

The Speaker (Mr. Slade): Probably Mr. Osogo you would like to me put that question, then you will be able to say whether you agree or disagree.

(Question that the Senate amendments be now considered again, put and agreed to)

Clause 2 read—

That clause 2 (a) be amended by inserting the following words after the word "thereof"—

"but excludes dairy cattle and wool sheep".

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, we have looked at this clause and the Government has decided not to agree with the Senate insistence on this clause, because the Senate has overlooked the fact that dairy cattle and wool sheep grow old, and when they grow old they do not change, they still remain the dairy cattle and the wool sheep, and as such they will have to be sent to the Kenya Meat Commission for slaughtering. So we cannot accept the Senate insistence, because of this reason.

If I may remind the House here that we have given instructions to the Kenya Meat Commission not to slaughter young dairy cattle and young wool sheep, so this amendment which is axially to be enclosed in the Bill does not arise at this time.

Mr. Speaker, Sir, I beg to move that the House do not agree with the Senate insistence upon this clause.

The Attorney-General (Mr. Njonjo) seconded.
(Question of the Senate amendment put and negatived)

Clause 7 read—

That clause 7 be amended by deleting subsection 24 (1) to (3).

(Question proposed)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to inform the House that the Government do not agree with the Senate insistence on this clause too, because the meat industry in this country will be absolutely jeopardized if we passed this section of clause 7, and as such I have spoken to a few hon. Senators and they have already agreed with us that we should not jeopardize the future meat industry of this country and therefore, the clause should remain in the Bill.

Therefore, Mr. Speaker, Sir, I beg to ask the House not to agree with the Senate insistence on this clause.

The Speaker (Mr. Slade): In putting the question I must point out there is some difficulty here, the Senate, if after returning an amendment for the second time with their insistence upon it, then say that they do not want to insist upon it. There is no procedure under our Standing Orders for sending a Bill back to them again, for them to have third thoughts. In fact, the only procedure available, if anything is to be done, is to have a reference to a Joint Committee of the two Houses; otherwise, the Bill will just have to lie dormant until a certain time has lapsed before this House can put it through.

The Attorney-General (Mr. Njonjo) seconded.
(Question of the Senate amendment put and negatived)

(Ordered that the Clerk acquaint the Senate with decision of the House on their amendments thereto)

(Consideration of Senate insistence on their amendment)

THE INDUSTRIAL DEVELOPMENT (AMENDMENT) BILL

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I beg to move that the House do now consider the Senate insistence on their amendment of the Industrial Development (Amendment) Bill.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

(Question that the Senate amendment be now considered again put and agreed to)

Clause 2 read—

That clause 2 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

(Question proposed)

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I am afraid that I will have to ask the House to reject the Senate amendment. As I pointed out last time that the Senate amendment of this Bill, the section referring to the Legislative Council, one section has to deal with the question of the Minister for Finance giving money to the Industrial Development Corporation, and in accordance to our Constitution that power is left solely to the House of Representatives. The amendment indicated by the Senate

[Mr. Shikuku]

wrinkle and as in the case of one particular lady who had to discontinue the use of this product because of financial inability to keep up the treatments, as the product must be applied daily, and I hope the Minister has heard that, the skin becomes hopeless.

Now, I understand, from an hon. Member here, Mr. Alexander, that this product is only to be applied to the chest. May I point out that I did not look at her chest but I did look at her face and it was only through her courage in pointing out this matter to me that I learned of the ill effects this product has on men and women. I feel Sir, that the use of this particular product to lighten the skin is ridiculous as you will on occasion find some people with brown faces, black chests, brown hands and black arms and legs, they look like a leopard.

Mr. Speaker, I find, upon looking at clause 13 that any person who sells a cosmetic which has in it any substance that may cause harm to the user when the cosmetic is applied, I feel this is a very good clause, but when you look at the clause to which I just referred, clause 2, page 364, I do not see how this is going to work. Here, we are allowing the question of altering the complexion, skin hair, and eyes or teeth, but at the same time in clause 13 we are prohibiting it. Why can we not do away with the subsection here which permits cosmetics to be used which change the complexion so that we can enforce clause 13.

When a person changes their complexion as this woman changed her complexion, if there are any ill effects, it is forbidden to sue because the sale of these products has been allowed in clause 2. I hope the Minister sees my point. I do not see why we should allow this. Either we should delete clause 2, so as to enforce 13 or vice versa. The deletion of clause 13, I feel would not be a very good idea as it should be put into full effect.

The Speaker (Mr. Slade): I am afraid, Mr. Shikuku, that there is no point at this stage in suggesting detailed amendments of the Bill. Just the question whether you are in favour of the general principle is all that you can discuss on a Third Reading.

Mr. Shikuku: I hope the Minister will take note of that.

As far as the drugs are concerned, Mr. Speaker, I do not think I have much to say, apart from saying that there are drugs in this country which some of the women, when they get into trouble, try to use. For example, we

have had some instances where women have tried to get some drugs in order to get rid of something in their belly and continue to look young and attractive to us.

An hon. Member: To us?

Mr. Shikuku: All the men, including the Assistant Minister for Education, the hon. Mr. Mutiso.

Under these drugs, Mr. Speaker, I do not seem to see a clause—I stand for correction on that one—strictly playing down this question of using other drugs for lessening the population of Kenya. As you said, Mr. Speaker, it is impossible to talk on any measure, alteration or amendment in the Third Reading. I will just have to be content with airing these views and I hope the Minister, when replying, will seriously take into account these observations I have made on this question of Amby and I hope there are more other drugs which are being applied. I would repeat, Mr. Speaker, that I am prepared to offer my services to this committee because I am completely fed-up with the present attitude of some of the Africans trying to use most of these chemicals to try and get themselves messed up; their hair is completely finished, some of them are going bald and they seem to be suffering from an inferiority complex. In view of the fact that we are now a republic, governing the country, we should do away with these sorts of cosmetics which are costing more—

The Speaker (Mr. Slade): No, Mr. Shikuku.

Mr. Shikuku: With these few words, Mr. Speaker, I beg to support.

The Minister for Health and Housing (Mr. Otiende): Mr. Speaker, I think your hon. friend has attended the session rather in bits, but had he been here during all the stages, he might have been contented about cosmetics and other things. But I would like to say that he should not worry about cosmetics here because the whole aim of the Bill is to see that if any cosmetics are sold they are good ones, like the ones we knew before Amby came into the field. If any appliance is used for changing the colour of the skin, it should not be injurious to the skin. Therefore, if Amby or any other drug is causing the skin to go wrong or causing the skin to wrinkle and if we can prove, chemically that that is the case, we shall deal with Amby under C, and see that it is not sold.

Secondly, I would like to assure the hon. Member, who seems to be worried about the population of Kenya, that the questions of drugs which can cause harm in that way is not included in

[The Minister for Health and Housing]

this Bill, that one would come under the general criminal laws of Kenya. If the hon. Member cares to study the criminal laws of Kenya, he will come across a section which deals with drugs which can be dangerous in that particular manner, and anybody who uses such drugs is able to be dealt with under the general laws. However, in this case we are talking about those drugs which may be used, as it says here, in packing food, in preserving food and yet which can be proved to be dangerous to the body. The whole aim of this Bill is to save the people who eat food, who use drugs and who use certain chemicals from those foods, drugs and chemicals which are bad. We are not here going into the whole moral issue of whether changing your skin to look a bit browner is wrong or right; that is a matter of opinion and this is not the place for it. But we shall see that our people are not harmed by any particular drug and when this Bill becomes law, the hon. Member can rest assured that we shall examine some of the articles he has mentioned with a view to seeing whether they are good for our people or otherwise.

(Question put and agreed to)

(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 Chairman (Dr. De Souza) took the Chair)

THE PENSIONS (AMENDMENT) BILL

(Clauses 2, 3, 4 and 5 agreed to)

(Clauses 6, 7 and 8 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE TRADE MARKS (AMENDMENT) BILL

(Clauses 2, 3, 4, 5 and 6 agreed to)

Clause 7

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Chairman, Sir, I beg to move that clause 7 be amended by deleting the word "Minister" which appears in paragraph (c) thereof and by inserting in place thereof the word "Attorney-General".

(Question of the amendment proposed)

(Question that the word to be left out be left out put and agreed to)

(Question that the word to be inserted in place thereof be inserted put and agreed to)

(Clause 7 as amended agreed to)

(Clause 8 agreed to)

New Clause

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Chairman, Sir, I beg to move that the Bill be amended by adding the new clause as follows:—

Substitution of Attorney-General for Minister in principal Act.

The principal Act is amended by substituting for the word "Minister" wherever it appears the word "Attorney-General".

(Question of the new clause proposed)

(New clause read the First Time)

(Question that the new clause be read the Second Time proposed)

(Question that the new clause be read the Second Time put and agreed to)

(The new clause was read the Second Time)

(Question that the new clause be added to the Bill put and agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE NURSES, MIDWIVES AND HEALTH VISITORS BILL

(Clauses 2 and 3 agreed to)

Clause 4

Mr. Ngala-Abok: Mr. Chairman, Sir, I just wish to move an addition or amendment just immediately after—

The Chairman (Dr. De Souza): I am sorry, Mr. Ngala-Abok. You are supposed to give this amendment in writing before the day starts. It must be in the possession of the Clerk before half past two. That is according to Standing Orders.

(Clause 4 agreed to)

(Clauses 5, 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14, 15 and 16 agreed to)

(Clauses 17, 18, 19 and 20 agreed to)

(Clauses 21, 22, 23 and 24 agreed to)

(Title agreed to)

(Clause 1 agreed to)

[The Assistant Minister for Education]

In answer to part (b), in 1964 regional authorities were responsible for the approval and registration of secondary schools in the various regions. It appears, however, that no region had established a system of issuing registration certificates to schools, after the regions had approved them. The Ministry is now in the process of issuing registration certificates to all new schools when they have satisfied the requirements of the law. Therefore, it is not possible, at present, to give the figures which the hon. Member has requested.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's reply to the last part of the question, he says that the figures are not available. Would he agree that, in a question which was asked privately, the Ministry told me there were forty-nine secondary schools and that Government was going to take over nine of these this year as Government-aided secondary schools?

Mr. Koochehah: Mr. Speaker, I did not imply in my reply at all that the Government has not yet taken over any school which was previously not aided and started giving it aid. So my friend's question actually does not arise.

Question No. 988**AFRICAN QUALIFIED DOCTORS FOR NYANZA GENERAL HOSPITAL**

Mr. Bala asked the Minister for Health and Housing if he would (a) tell the House why Nyanza General Hospital had comparatively few qualified doctors and (b) why it was not possible, in view of the Africanization programme in the country, to have African doctors regularly in that hospital.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, it is considered that the Kisumu General Hospital is rather fortunate in having a good number of senior qualified staff. Action has been taken to strengthen the present team of doctors with two medical officers.

In answer to part (b), there are comparatively few African doctors in Kenya and the vacancies which have all the time been available have been offered and taken by those African who have completed their training and acquired adequate experience. We do not have enough African doctors to be able to post at least one to each hospital regularly.

Mr. Ngala-Aboki: Mr. Speaker, Sir, for the House to be satisfied that Kisumu is fortunate to have qualified and senior doctors, could the Assistant Minister tell us the qualifications and the seniority of these doctors at the Kisumu Hospital. How senior they are and how qualified they are.

Mr. Moss: Mr. Speaker, Sir, they are fully qualified.

Mr. Ngala-Aboki: Mr. Speaker, Sir, I would like to draw the attention of the Assistant Minister to the fact that carelessness will not help him or us. I asked for the seniority of doctors at Kisumu Hospital and their qualifications. This is what the Assistant Minister should reply.

Mr. Shikuku: On a point of order, Sir, at one time we did discuss here and I think you did rule that it is not correct to discuss individual civil servants in the House. Now, what I would like to know is, is it correct to ask a question on behalf of one civil servant?

The Speaker (Mr. Slade): Order, order. It is certainly not right, Mr. Shikuku, to insinuate when a Member asks a question that he is biased by personal considerations. As regards to raising a question protecting civil servants we have a Standing Order prohibiting Questions which imply a charge against any individual, whether or not a civil servant, without very clear grounds. But, hon. Members are entitled to ask questions as to the standing, seniority and qualifications of staff. They must not make charges against them, but they must be allowed to ask questions like this in order to fulfill their obligations.

The Assistant Minister for Health and Housing (Mr. Moss): Kisumu has a physician and a provincial surgeon and in addition there is a maternity and child health station and other medical officers.

The Speaker (Mr. Slade): It is time to move on now, but before doing so, I believe Mr. Angaine has a personal statement by way of further information, on Question 991 asked yesterday.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I have been to my Commissioner of Lands and he has told me that this will be ready by next week, so, I shall report my findings to the House at that time.

BILL**Consideration of Report and Third Reading****THE FOOD, DRUGS AND CHEMICAL SUBSTANCES BILL**

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, a Committee of the House has considered the Food, Drugs and Chemical Substances Bill and has approved the same with amendments. I beg to move that the House doth agree with the Committee in the said Report.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I was wondering if it would be in order for me to speak on this, because I did—

The Speaker (Mr. Slade): If you want to move that the Bill be referred back to the committee, now is the time to propose the amendment.

If you merely want to discuss the general principles of the Bill, again, you should leave that until the Third Reading.

(Question put and agreed to)

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I beg to move that the Food, Drugs and Chemical Substances Bill be now read a Third Time.

The Minister for Commerce and Industry (Dr. Kiwo) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, much has been touched upon by various Members. Unfortunately, due to unforeseen circumstances I was unable to be in the House, but I have at this time a small point which I would like to raise which is in connexion with cosmetics.

I would like to refer you to page 364, Item No. 2, which states "Cosmetics includes any substance or mixture of substances, manufactured, sold, or represented for use in cleansing, improving or altering the complexion, skin, hair, eyes or teeth and includes deodorants and perfumes."

Mr. Speaker, Sir, I have a point here I would like to raise because I believe that it is of great importance. Here, we have a country of black men and women, also coloured, whites and browns, but when it comes to the question of whitening the skin, Mr. Speaker, it has become a craze among the black people of this country

to try and lighten their skins. I think we of this House would be doing the country a service if we add our views opposing the present practice of the people in the country who are trying to change their beautiful skins which are God-given.

The Speaker (Mr. Slade): No, I am afraid not, Mr. Shikuku. Not on this Bill. It has already been pointed out to hon. Members several times on the Second Reading, that this Bill is concerned with drugs and other things injurious to health, and we cannot use this as an opportunity to discuss the merits of the use of cosmetics; we can only debate the protection of the public against the dangerous cosmetics.

Mr. Shikuku: Thank you very much, Mr. Speaker. If I may say so, Mr. Speaker, the danger in the use of this cosmetic is that it may be injurious to the skin and the hair of our people.

The other day, I met two ladies who had been using a skin lightening product called "Amby Extra", which is applied to the face and the ladies who, after discontinuing the use of this chemical on their faces found that they were wrinkling. I was wondering, if the Minister for Health and Housing was aware of this product and also aware that there is on the market "Amby Special" for men. Now, I have seen a number of men who have used this product, and I must say that they do look terribly awkward. Now, Mr. Speaker, Sir, I feel that these are cases which the Minister for Health and Housing should look into and I would not mind offering my services to the committee, which will be appointed to look into the question of this particular cosmetic.

In the case of these women, I believe that they suffered from an inferiority complex, but that—

An hon. Member: How old was she?

Mr. Shikuku: Well, she was a woman, and you know you can never get that type of information out of a woman! But, what I am trying to point out is, that it is not important that she was suffering from an inferiority complex, the important thing is the effect which these drugs and chemicals or this particular product "Amby Extra" had. What I want to know, is are we going to continue to allow the sale of this product? If we are going to permit the sale of any products, they should be those which will not alter our skin and then render them to wrinkling before our people reach the age where the skin wrinkles normally.

As I mentioned before, people who do use these products find that when they discontinue the use of these products their skins begin to

[Mr. Mallada]

If the answer was in the affirmative, which did the Minister envisage rectifying this anomaly to enable handling of Kenya's products either by a Government body or by Kenya agents in Kenya.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. I can only refer to the commodity which comes under my control, and the answer is negative. My hon. Minister for Agriculture and my hon. colleague the Minister for Commerce and Industry, it is their responsibility on marketing of some of the Kenya products and therefore my Ministry does not cater for all the Kenya products.

Mr. Kadi: On a point of order, Mr. Speaker, Sir, according to the question it refers to all Kenya products. I wonder whether the Minister is trying to evade this question, because, Mr. Speaker, Sir, as far as I know, we have—

The Speaker (Mr. Slade): I am sorry, Mr. Kadi, you cannot raise this as a point of order. I have said so many times in this House the Minister can evade answering a question altogether if he likes. All the hon. Members can do is ask supplementary questions.

Mr. Mallada: Mr. Speaker, Sir, when I submitted this question, I had in mind such products as agricultural products, and I realized yesterday that these do not fall within the portfolios of the Minister for Co-operatives and Marketing and he has confirmed that in this particular case. Now, as it is not possible to get a satisfactory answer from him, not through his own fault, what channel is therefore open to me to get it replied to by the proper Minister?

The Speaker (Mr. Slade): I think that, if the Minister says that he cannot answer it at all, then it is in order to ask it again of the appropriate Ministry on another occasion.

Question No. 1043

TELEVISION RECEPTION AT KISUMU

Mr. Jamal asked the Minister for Information, Broadcasting and Tourism whether he was aware that television reception in Kisumu was far from satisfactory; and, secondly, if he had any plans to post an engineer to Kisumu to watch the situation from time to time.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I beg to reply. The reports from Kisumu indi-

cate that since modifications to the aerial system were carried out in Timboroa early in December 1964, reception has greatly improved. During the past few days, there have been a number of severe thunderstorms and this has caused interference to reception.

There is a resident engineer in Kisumu who reports regularly on reception on both sound and television broadcasts, and he is always available to discuss any problems with representatives of Government, trade or members of the public.

It might be noted that a number of developments, associated with the reception for the Kisumu area, are included in the Ministry's Development Plan and are at present under active consideration.

Mr. Jamal: Mr. Speaker, Sir, is the Minister aware that the presence of the engineer at Kisumu is known only to the engineer himself and will he therefore make arrangements for his presence to be made known to the members of the general public?

Mr. Achieng-Onyko: I have already made it known now, Sir.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, in which he indicated that his engineers had improved the standard of television broadcasts, is he aware that around about 8 o'clock every evening it is practically impossible to hear anything from the Voice of Kenya, particularly the Swahili section. The sound, I mean.

Mr. Achieng-Onyko: Mr. Speaker, Sir, I do not agree because I have been to Kisumu; I have a home in Kisumu, and the reception usually is very good indeed. I think some other Members can also bear me out on this.

Question No. 1002

POSTS OF DIVISIONAL ASSISTANTS

Mr. Bala asked the President if he would consider creating the post of divisional assistant to assist the district officers in each division.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. In view of the fact that we have district assistants who assist district officers in charge of divisions, the Government does not intend to appoint division assistants.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware that the district assistants in one division normally

[Mr. Bala]

ask for so many Government requirements, and therefore many people do not find them in the offices; and that therefore the creation of these posts is very necessary, if the Government wants the administrative machinery to be efficient?

Mr. Nyamweya: I am aware of that, Mr. Speaker. I am also aware that in certain districts we are understaffed and we are looking into the matter of trying to fill up the gaps as soon as we are able to get the necessary personnel. What the Government hopes to do is not to create a new office of division assistant, which may mean that we will be reducing the standard of the people who are required to do our work of administration in the field.

Mr. Lorema: Arising from that reply, would the Assistant Minister tell the House whether his Ministry would consider promoting senior chiefs to take up these posts?

Mr. Nyamweya: Mr. Speaker, Sir, the posts of Senior assistant and district officers are periodically advertised in the Press; and if there is a chief who thinks he could act satisfactorily as a district assistant or district officer, he could apply and his application will be processed through the normal channels.

Question No. 993

AFRICANIZATION: POLICE TRAINING SCHOOL, KIGAMBO

Mr. Wamathanya asked the Minister for Internal Security and Defence if he would tell the House the reasons why Kiganjo Police Training Depot had not been fully Africanized; and, secondly, if he was satisfied with the way and the manner in which the Africans who are stationed there were being treated by the existing expatriates.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. The staff of the Kiganjo Police Training School will soon be Africanized. There is an Africanization programme laid down for the Force Training School within the overall plan for the Africanization of the Police Force. The Force Training School staff are being Africanized as speedily as possible. But we have to do it and also give priority to the Africanization programme of the overall Police Force.

In answer to the second part of the question, in the school we have laid down a very high standard of discipline, so that when those

students go out and they have to serve the nation, they have to conform to the highest standards of discipline. Those who train them there are under an African Government, and if they deviate from the standards laid down by this African Government, naturally they will be asked to leave. This is why Kenya has one of the best police forces in the whole of independent Africa; and this House should be proud of the Kenya Police Force.

Mr. Wamathanya: Mr. Speaker, Sir, is the Minister aware that those people who are taking training there are being kicked and their heads are as smooth as my face here? Does the Minister not think that human beings should be treated in a proper way?

Dr. Mungai: Mr. Speaker, Sir, this is part of the discipline and those who are there do love it.

Question No. 1013

POLICY ON SELF-HELP SECONDARY SCHOOLS

Mr. Bala asked the Minister for Education if he would tell the House (a) what the Government policy was on self-help secondary schools; and (b) how many self-help secondary schools had been licensed in 1964 and how many had been refused licences in that year.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. The concern of my Ministry at present is to see that the self-help schools are established in accordance with the provisions of the Education Act, which requires, *inter alia*, that the managers of schools are persons who are approved and registered as managers of schools. My Ministry too requires to be satisfied that: (1) the site is suitable for a school; (2) the buildings comply with the health regulations; (3) that there are suitably qualified teachers to teach in the schools; (4) that the schools follow a suitable curriculum; (5) that the managers of the schools have sufficient resources to establish and continue to support such a school independently and indefinitely.

The Minister, Mr. Speaker, Sir, will not hesitate to take action against any school which does not satisfy all the above requirements. However, a comprehensive survey is being carried out by my Ministry and the Kenya Education Commission has been asked to direct its attention to self-help schools with a view to making some recommendations which may help the Government to formulate a long-term policy towards these schools in the near future.

Question No. 1020

IMPROVING QUALITY OF KENYA'S BEER

Mr. Mhogoh asked the Minister for Commerce and Industry what the Government was doing to persuade breweries to improve the quality of Tusker beer, City beer and Pilsner beer to bring them up to world standard for export to other countries as an advertisement of the quality of our Kenya beer.

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, the hon. Member is very misinformed about our beer. During the last two years, Kenya beer has won no fewer than seven international awards. Tusker beer, for example, won third prize in the whole of the Commonwealth Lager Beers competition last year out of fifty-seven countries which took part in the competition. Pilsner beer won first prize in the Breweries Exhibition last year in Brussels and City beer has won two awards.

The Government does not share the view, therefore, of the hon. Member by implying that our beer is not of very high standard, because, apart from the awards, our beers have won in recent years and the many customers it has in this House, all tourists to this country have continually complimented us on the very high standard of beer produced.

The hon. Member may know that sales of imported beer into Kenya have dropped to a very negligible figure over the last few years and the hon. Member might wish to know that when Tanzania put some restriction on our beers recently, there was alarm and despondency in Tanzania because they could not get our high quality beers. However, we are not going to rest on our laurels and we shall vigilantly watch our quality to keep it very high.

Question No. 1015

AERODROME FOR NORTH NYANZA

Mr. Odeoro-Sar asked the Minister for Works, Communications and Power if he could tell the House what had happened to the proposal to establish an aerodrome in North Ugenya at Soga (Bar-Kowor).

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. I am not aware of such a proposal having been put to my Ministry. If the hon. Member will let me have the particulars of the proposal and by whom it was made, and at

what date, then I shall be happy to make further inquiries.

Question No. 1018

AUTOMATIC TELEPHONE EXCHANGE FOR MACHAKOS

Mr. Mallinda asked the Minister for Works, Communications and Power if he could tell the House—

- (1) when he intended to install an automatic telephone exchange switchboard in Machakos Post Office;
- (2) whether he was aware that it was, more often than not, quicker to drive to Machakos from Nairobi, or vice versa, than it was to get a telephone call through to the same destination;
- (3) if the reply to (2) was in the affirmative, what steps was he going to take to alleviate the problem.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. There is no place at the moment for an automatic telephone at Machakos. In answer to the second part of the question, the answer is "Yes".

In reply to the third part of the question, the question of additional lines is always taken up by the East African Posts and Telecommunications Administration who keep close watch on traffic of all groups.

Mr. Mallinda: Mr. Speaker, Sir, how long does the Minister expect this anomaly to be alleviated?

Mr. Bomett: Will you repeat that please?

Mr. Mallinda: Mr. Speaker, Sir, the Assistant Minister answered in the affirmative, to my second part of the question. Is that not an anomaly? I would like to know how long it is going to take to get rid of this.

Mr. Bomett: Mr. Speaker, Sir, if the lines are out of order, it is normal for trunk calls to be delayed considerably, but when there are no quantity of calls there are no delays at all.

Mr. Mallinda: Mr. Speaker, Sir, is the Assistant Minister aware that, giving an example of last Tuesday, the lines were not out of order and he reply from the Post Office was that there was no unnecessary delay, and having booked a call from here to Machakos at eleven minutes past seven o'clock it did not come through until 12.20 and therefore the question that when the lines are not out of order the service is normal, is not true.

Question No. 1014

MAIZE MOVEMENT PERMITS: NYANZA PROVINCE

Mr. Bomett: Mr. Speaker, Sir, it is not a question of delay. When members of the public book calls, they are booked according to the time they give their request, and it depends on whether there is heavy traffic. But unless the lines actually break down then usually our Posts and Telecommunication officers are very quick in answering calls.

Question No. 1024

EVICTION WITHOUT COMPENSATION OF FAMILIES IN MOMBASA

Mr. Omar asked the Minister for Lands and Settlement whether he was aware that the Mombasa Institute of Muslim Education intended to evict over 500 families in Mombasa Island without payment of compensation.

If the answer was in the affirmative, what action did the Minister intend taking in order to have them paid compensation.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. I am aware, Sir, that the Mombasa Institute of Muslim Education intends to evict a number of families from their school plot.

My Ministry does not intend to take any action to have them paid any compensation as this is a private matter between the landlord and the squatters concerned, and no situation has arisen to warrant Government intervention. In addition, they have been staying on the plot illegally and have known all along that they could be asked to leave any time.

Mr. Omar: Mr. Speaker, Sir, is the Assistant Minister aware that Mombasa Muslim Institute inherited this land from an Arab who got it free, and therefore it is not fair or just for the Muslim Institute of Education not to pay compensation to the evicted families?

Mr. Gachago: Well, Mr. Speaker, Sir, I am not aware of that. What I am aware of, however, is that Mombasa Institute of Muslim Education acquired this plot in 1953 from Fatall Dali for the purpose of giving staff quarters and other general improvements to their school. Now, if the hon. Member can persuade the Ministry to pay compensation, the Government will not stand in the way of the Muslim Association paying compensation, but the Government has no way of compelling them to pay compensation.

Mr. Bala asked the Minister for Co-operatives and Marketing whether he would consider introducing methods of issuing maize movement permits in Nyanza Province which would avoid the unnecessary arrests of women on the road after having bought their produce from a legal market.

The Minister for Co-operatives and Marketing (Mr. Ngeli): Mr. Speaker, Sir, I beg to reply. Maize may be purchased and transported not only in Nyanza, but anywhere in Kenya without fear of arrest, providing those buying and transporting do so within the provisions of the law.

Mr. Bala: Mr. Speaker, Sir, arising from the reply, is the Minister aware that the women who go to buy maize from the market have no adequate transport and as such immediately after they have bought the maize are arrested on the charge of carrying maize without a permit, after it was bought from a legal market?

Mr. Ngeli: Mr. Speaker, Sir, the hon. Member is aware that there is a given quantity and any person can usually purchase up to 60 lb. of maize free, without a permit, and two bags within the district of production. If the women are buying large quantities of maize which the law does not allow them to do, then they have to be arrested, but if they can go to the local authority or the office of the district commissioner, they will be given permits to purchase maize from the Maize Marketing Board, and also to go and sell it wherever they want to go and sell it.

Mr. Taub: Mr. Speaker, Sir, is the Minister aware that if someone buys maize at Maji Mzuri, which is the Baringo District and south of Eldama Ravine, and transports it, and no matter whether it is 60 lb. or less, he is arrested?

The Speaker (Mr. Slade): The question refers only to South Nyanza.

Question No. 1019

MARKETING OF KENYA'S PRODUCTS

Mr. Mallinda asked the Minister for Co-operatives and Marketing if the Minister was aware that all Kenya products were marketed on the international market through "sole agents" who had headquarters outside Kenya.

Question No. 1020

IMPROVING QUALITY OF KENYA'S BEER

Mr. Mbogoh asked the Minister for Commerce and Industry what the Government was doing to persuade breweries to improve the quality of Tusker beer, City beer and Pilsner beer to bring them up to world standard for export to other countries as an advertisement of the quality of our Kenya beer.

The Minister for Commerce and Industry (Dr. Kiando): Mr. Speaker, Sir, the hon. Member is very misinformed about our beer. During the last two years, Kenya beer has won no fewer than seven international awards. Tusker beer, for example, won third prize in the whole of the Commonwealth Lager Beers competition last year out of fifty-seven countries which took part in the competition. Pilsner beer won first prize in the Breweries Exhibition last year in Brussels and City beer has won two awards.

The Government does not share the view, therefore, of the hon. Member by implying that our beer is not of very high standard, because, apart from the awards, our beers have won in recent years and the many customers it has in this House, all tourists to this country have continually complimented us on the very high standard of beer produced.

The hon. Member may know that sales of imported beer into Kenya have dropped to a very negligible figure over the last few years and the hon. Member might wish to know that when Tanzania put some restriction on our beers recently, there was alarm and despondency in Tanzania because they could not get our high quality beers. However, we are not going to rest on our laurels and we shall vigilantly watch our quality to keep it very high.

Question No. 1015

AERODROME FOR NORTH NYANZA

Mr. Odero-Sar asked the Minister for Works, Communications and Power if he could tell the House what had happened to the proposal to establish an aerodrome in North Ugenya at Soga (Bar-Kowor).

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): Mr. Speaker, Sir, I beg to reply, I am not aware of such a proposal having been put to my Ministry. If the hon. Member will let me have the particulars of the proposal and by whom it was made, and at

what date, then I shall be happy to make further inquiries.

Question No. 1018

AUTOMATIC TELEPHONE EXCHANGE FOR MACHAKOS

Mr. Malinda asked the Minister for Works, Communications and Power if he could tell the House—

- (1) when he intended to install an automatic telephone exchange switchboard in Machakos Post Office;
- (2) whether he was aware that it was, more often than not, quicker to drive to Machakos from Nairobi, or vice versa, than it was to get a telephone call through to the same destination.
- (3) if the reply to (2) was in the affirmative, what steps was he going to take to alleviate the problem.

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): Mr. Speaker, Sir, I beg to reply. There is no place at the moment for an automatic telephone at Machakos. In answer to the second part of the question, the answer is "Yes".

In reply to the third part of the question, the question of additional lines is always taken up by the East African Posts and Telecommunications Administration who keep close watch on traffic of all groups.

Mr. Malinda: Mr. Speaker, Sir, how long does the Minister expect this anomaly to be alleviated?

Mr. Bonnett: Will you repeat that please?

Mr. Malinda: Mr. Speaker, Sir, the Assistant Minister answered in the affirmative, to my second part of the question. Is that not an anomaly? I would like to know how long it is going to take to get rid of this.

Mr. Bonnett: Mr. Speaker, Sir, if the lines are out of order, it is normal for trunk calls to be delayed considerably, but when there are no quantity of calls there are no delays at all.

Mr. Malinda: Mr. Speaker, Sir, is the Assistant Minister aware that, giving an example of last Tuesday, the lines were not out of order and he was not replying from the Post Office was that there was no unnecessary delay, and having booked a call from here to Machakos at eleven minutes past seven o'clock it did not come through until 12.20 and therefore, the question that when the lines are not out of order the service is normal, is not true.

Question No. 1014

MAIZE MOVEMENT PERMITS: NYANZA PROVINCE

Mr. Bala asked the Minister for Co-operatives and Marketing whether he would consider introducing methods of issuing maize movement permits in Nyanza Province which would avoid the unnecessary arrests of women on the road after having bought their produce from a legal market.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. Maize may be purchased and transported not only in Nyanza, but anywhere in Kenya without fear of arrest, providing those buying and transporting do so within the provisions of the law.

Mr. Bala: Mr. Speaker, Sir, arising from the reply, is the Minister aware that the women who go to buy maize from the market have no adequate transport and as such immediately after they have bought the maize are arrested on the charge of carrying maize without a permit, after it was bought from a legal market?

Mr. Ngei: Mr. Speaker, Sir, the hon. Member is aware that there is a given quantity and any person can usually purchase up to 60 lb. of maize free, without a permit, and two bags within the district of production. If the women are buying large quantities of maize which the law does not allow them to do, then they have to be arrested, but if they can go to the local authority or the office of the district commissioner, they will be given permits to purchase maize from the Maize Marketing Board, and also to go and sell it wherever they want to go and sell it.

Mr. Tamu: Mr. Speaker, Sir, is the Minister aware that if someone buys maize at Maji Mzuri, which is the Baringo District and south of Eldama Ravine, and transports it, and no matter whether it is 60 lb. or less, he is arrested?

The Speaker (Mr. Slade): The question refers only to South Nyanza.

Question No. 1019

MARKETING OF KENYA'S PRODUCTS

Mr. Bonnett: Mr. Speaker, Sir, it is not a question of delay. When members of the public book calls, they are booked according to the time they give their request, and it depends on whether there is heavy traffic. But unless the lines actually break down then usually our Posts and Telecommunication officers are very quick in answering calls.

Question No. 1024

EVICTION WITHOUT COMPENSATION OF FAMILIES IN MOMBASA

Mr. Omar asked the Minister for Lands and Settlement whether he was aware that the Mombasa Institute of Muslim Education intended to evict over 500 families in Mombasa land without payment of compensation.

If the answer was in the affirmative, what action did the Minister intend taking in order to have them paid compensation.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply, I am aware, Sir, that the Mombasa Institute of Muslim Education intends to evict a number of families from their school plot.

My Ministry does not intend to take any action to have them paid any compensation as this is a private matter between the landlord and the squatters concerned, and no situation has arisen to warrant Government intervention. In addition, they have been staying on the plot illegally and have known all along that they could be asked to leave any time.

Mr. Omar: Mr. Speaker, Sir, is the Assistant Minister aware that Mombasa Muslim Institute inherited this land from an Arab who got it free, and therefore it is not fair or just for the Muslim Institute of Education not to pay compensation to the evicted families?

Mr. Gachago: Well, Mr. Speaker, Sir, I am not aware of that. What I am aware of, however, is that Mombasa Institute of Muslim Education acquired this plot in 1953 from Fatalli Dali for the purpose of giving staff quarters and other general improvements to their school. Now, if the hon. Member can persuade the Muslims to pay compensation, the Government will not stand in the way of the Muslim Association paying compensation, but the Government has no way of compelling them to pay compensation.

Question No. 1026

POOR KENYA PRELIMINARY EXAMINATION RESULTS: COAST PROVINCE

Mr. Omar asked the Minister for Education:—

- (a) If the Minister could tell the House the reasons why the Kenya Preliminary Examination results for the year 1964 in the Coast Province had been so poor?
- (b) If the Minister could state the reasons why Coast Province Government Secondary School had no treble-stream secondary schools?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I beg to give the following reply. In the 1964 K.P.E. results, Coast Province were not poor compared with the previous years, in fact, Mr. Speaker they were the best since 1961.

(b) It is not correct to state that there are no multi-stream secondary schools in the Coast Province. Out of the ten secondary schools in the Coast Province, one has five streams, two have four streams, two have three streams and three have double streams each and seven have single stream each. The single-stream schools which are mainly new are expected to develop more streams in due course, and therefore, Mr. Speaker I would like to ask the hon. Member to check his facts before he puts a question like this.

Mr. Omar: Mr. Speaker, Sir, would the Assistant Minister tell the House what steps he intends to take to see that those seven secondary schools which have a single stream get a double-stream or treble-stream next year?

The Speaker (Mr. Slade): That is a different question, I think. Next one.

Question No. 1017

HOSPITAL-BUILDING AT UKWALA

Mr. Odero-Sar asked the Minister for Health and Housing what reason he could give the House regarding the failure to build a hospital at Ukwala near the administrative centre during the previous year, after the North Ugenya Local Council had been asked to set land aside for the site.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. Ukwala already has a good health centre and it

is not considered to have a high priority for a hospital when one considers the overall problem of lack of medical facilities in the country.

Government is now committed to the construction of hospitals in Homa Bay, Busia and Nyandarwa and so far as Central Nyanza is concerned, Siaya is considered to be more central for a hospital in the future.

Question No. 1030

MIGORI HEALTH CENTRE TO BE HOSPITAL

Mr. Okwanyo asked the Minister for Health and Housing, if the Minister had considered making Migori Health Centre a hospital in view of the fact that Migori was sixty miles from Homa Bay and fifty miles from Kisii?

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The question of making Migori Health Centre into a hospital is quite a good one, but it will have to be considered together with the development of the entire country and the availability of funds. At the moment, however, the Homa Bay Hospital and the two others which I have mentioned have been given top priority.

Mr. Okwanyo: Mr. Speaker, Sir, is the Assistant Minister aware that a previous Minister for Health promised that Migori would have a hospital by 1965?

Mr. Moss: No, Sir.

Question No. 1031

CHARGES AT MIGORI HEALTH CENTRE FOR TANZANIA PEOPLE

Mr. Okwanyo asked the Minister for Health and Housing whether, since half the patients treated at Migori Health Centre came from Tanzania, he would suggest an extra charge for them.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. It is not considered advisable to charge extra fees to patients who come from outside the Republic of Kenya.

Mr. Okwanyo: Surely, Mr. Speaker, Sir, this is not official Government policy?

Mr. Kalli: On a point of order, Mr. Speaker, could we ask the hon. Member to ask his next question.

The Speaker (Mr. Slade): Will you ask your next question now, Mr. Okwanyo?

Question No. 1032

PROHIBITION OF FEMALE CIRCUMCISION

Mr. Okwanyo asked the Minister for Health and Housing if he would tell the House why female circumcision could not be prohibited, since many girls had died during this operation.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. Prohibition of female circumcision has been tried in many parts of this country and the results have been a total failure. This Ministry considers that this custom will gradually disappear when the majority of people are better educated.

Mr. Gatungu: Mr. Speaker, Sir, arising from the reply in which the Minister has said that prohibition has been tried in some parts of this country and failed, may we know from the Assistant Minister in which of these parts this prohibition has been tried?

Mr. Moss: It has been tried in Nandi and Kikuyu areas where the people who practise it live.

Mr. Choge: Mr. Speaker, Sir, I would like to know from the Assistant Minister whether he has considered in his Ministry extending the circumcision of women to the hon. questioner's constituency?

Mr. Moss: Mr. Speaker, that is not even a question I should answer, Mr. Speaker, and therefore I have no reply to such a question.

Mr. Anyalen: Mr. Speaker, Sir, could the Assistant Minister agree with me that the hon. questioner's custom is never to circumcise and, as such, it may be because they are trying to copy other people's customs, that their women are dying when they are circumcised?

The Speaker (Mr. Slade): Hon. Members may find these questions very amusing, but they are not proper supplementary questions, and they are taking up time which, I think, Members regard as precious.

Question No. 1010

FACILITIES: MUHOBONI SETTLEMENT SCHEME

Mr. Nyalick asked the Minister for Local Government whether he could tell the House what steps had been taken to provide the following facilities in the Muhoroni Settlement Scheme:—

- (1) a health centre; and
- (2) a market place.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The responsibility of providing health centres and market places lies with the local authorities. Mr. Speaker, Sir, the Kisumu County Council has recommended the building of two health centres, one at Muhoroni to serve Koru, Muhoroni and Fort Ternan, and one at Kibigori to serve Mtwani, Kibos and Chemelli. At present a mobile clinic attends at Muhoroni once a month and two health assistants have been posted on the Muhoroni Settlement Scheme. I understand that two more health assistants are due to be posted to this area.

Mr. Speaker, Sir, the Kisumu County Council is also recommending the establishment of a market at Tamu to cater for the large population at Tamu and on the Muhoroni Settlement Scheme. The council has agreed to issue temporary licences in the settlement scheme for certain trades such as butchers, hotel, *pusho*-mill, part II medicine and petty trade shops. In addition, the council has recommended the establishment of markets and shopping centres in various areas including the Muhoroni area.

Mr. Nyalick: Mr. Speaker, Sir, is the Minister aware that a number of settlers on the Muhoroni Settlement Scheme are running away because of the lack of facilities there, such as a market place and health centres?

Mr. Sagini: Mr. Speaker, Sir, I am unaware of that. I also come from an area where there is a bigger settlement scheme in the Sotik area, and there is not a single clinic, and the settlers have not left.

Question No. 1008

CHALK INDUSTRY: KISII

Mr. Nyalick asked the Minister for Commerce and Industry whether he would tell the House if there was any possibility of establishing a blackboard chalk industry in Kisii or Karisandu.

The Minister for Commerce and Industry (Dr. Kiavo): Mr. Speaker, Sir, I beg to reply. Experiments have been carried out at Kisii and so far the results are very encouraging. However, we are still waiting for the final word from the experts.

As far as the possibility of establishing a blackboard chalks industry based on material from Karisandu is concerned, samples of the materials available in that area will be sent to the East African Industrial Research Centre for examination.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply: No, Sir. The Government is satisfied that Migori Division in South Nyanza is being effectively and efficiently run by the two administrative officers who are stationed there, and the Government with no advantage in the hon. Member's request, with due respect.

Mr. Okwanyo: Mr. Speaker, is the Assistant Minister aware that people have to go to Homa Bay, which is over fifty miles away, for even things like getting small permits, etc., and things like that?

Mr. Nyamweya: Mr. Speaker, Sir, I am aware that the distance from Homa Bay to the place where the hon. Member for Migori wants the sub-district to be is only just over fifty miles. Government does not consider that this is such a formidable distance as to warrant the upgrading of Migori Division to sub-district status.

Besides, the hon. Member should know that that the distance alone is not the determining factor when consideration for the upgrading of a division to a sub-district is being made. The other factors are the state of development of the area, population, communications, security. The Government is of the opinion that the communications in this place are good and the security so far is good. As to the population, the hon. Member will encourage his people to do more to increase it!

Question No. 1007

EXPENSES OF ORGANIZATION OF AFRICAN UNITY MEETINGS

Mr. Nyalick asked the Minister for External Affairs, firstly, which country met the expenses of all the delegates who attended at the meetings of the Organization for African Unity, which had met here in Nairobi; and secondly, whether he could inform the House who met the expenses of the *ad hoc* Commission on the Congo.

The Assistant Minister for External Affairs (Mr. Matano): Mr. Speaker, Sir, when a country acts as host to a conference, it undertakes to provide accommodation and transport for a limited number of delegates and to meet all expenses. In keeping with this generally accepted practice, the Government of Kenya provided accommodation for up to five members of each delegation to the Fourth Ordinary Session of the Organization for African Unity. In addition, two cars for each delegation, for the duration of the conference,

were also provided. All other expenses were met from the O.A.U. fund to which all the member countries contribute.

On (b), expenses relating to the O.A.U. *ad hoc* Commission on the Congo were met by the Kenya Government. An amount of £25,000 was allocated to facilitate the work of the *ad hoc* Commission. To date, about £18,000 has been spent and it is anticipated that, when all the bills have been met, the figure will be slightly higher. Provision for the expenses of the O.A.U. *ad hoc* Commission and the O.A.U. meeting of the Council of Ministers held in Nairobi was contained in the Supplementary Estimates, in Vote VII, subhead N, amounting to approximately £55,000. A further sum of £3,000 was allocated for subscriptions to the O.A.U.

Question No. 1046

KENYA RECOGNITION OF EAST GERMANY

Mr. Odera-Sar asked the Minister for External Affairs if he would tell the House why the Republic of Kenya had not yet seen fit to grant recognition to the East German Government.

The Assistant Minister for External Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply: Kenya does not believe in the theory of divided nations. The general recognition by an overwhelming number of States of the Federal Republic of Germany to the exclusion of East Germany, the birth of East Germany in the context of cold-war politics in the aftermath of World War II, and our belief in the ultimate union of East Germany with her Western counterpart, all emphasize that recognition of East Germany would be a mistake at this stage. Our attitude, however, in no way hampers the development of legitimate trade relations on an informal basis between Kenya and East Germany.

Mr. Ndile: Mr. Speaker, will the Assistant Minister tell the House whether the Kenya Ambassador in Bonn caters for the interests of East Germany?

Mr. Matano: No, Sir, the Ambassador in Bonn caters for Kenya's interests in West Germany!

Question No. 1029

SPEAKING OF HEADMEN AND OTHERS AT MIGORI

Mr. Okwanyo asked the Minister for Internal Security and Defence, if he was aware that at Migori a headman had been speared and two

(Mr. Okwanyo) other people had been speared to death in daylight in front of three armed policemen and an Inspector of Police and that up to this time no one had been arrested and charged.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. On 14th November 1962 a report was received at Migori Police Station that a man had been tied and left in the bush to die. A Sub-Inspector, two constables and a sub-chief went to the scene where they found the man still alive.

Whilst the police were at this scene, some 200 people from the Member's constituency, armed with spears and other weapons, gathered and became rather excited, bordering on hysteria. The police endeavoured to control the crowd without avail and brawls broke out resulting in two persons being speared to death—one of them being the person who had killed the first casualty. A sub-chief was also speared, but has since recovered.

The police, who were unarmed at the time of *facia*, were unable to arrest anyone for breach of the peace.

It was alleged that this incident had occurred because of domestic quarrels, as usual in that area, between the family of the sub-chief. A case *Etawa* prepared and placed before a magistrate who ruled that there was insufficient evidence to support a *prima facie* case against any person.

Mr. Agar: Mr. Speaker, Sir, is the Minister aware that incidents where people murder others and then get away are becoming quite a commonplace thing in South Nyanza and would therefore suggest that there is some inefficiency in the police force there.

Mr. Argwings-Kodhek: If murdering, because of domestic problems, is a common-place thing, as the hon. Member has stated, then I think the Members from South Nyanza should come forward and assist the police.

Question No. 1033

STOCKTHEFT CASES IN MIGORI DIVISION

Mr. Okwanyo asked the Minister for Internal Security and Defence if the Minister could tell the House how many cases of stocktheft there had been in Migori Division since the beginning of the year.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. Since 1st January, five, there have been nine cases of stocktheft in the Migori area involving 103 head of cattle, of which forty-seven have been recovered. Arrests were made in five of these cases, and three men have been convicted; three other men are still before the courts. Investigations are still continuing into two cases and the other two have now been closed "undetected".

Mr. arap Kamurem: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could the Assistant Minister tell the House what his Ministry is doing to see that there will be no more stocktheft in this country?

Mr. Argwings-Kodhek: If the hon. Member is asking me what the Ministry is doing to ensure that there will be no more stocktheft in this country, I would like to point out to him that I have already stated in my reply that three people have already been convicted and a number of cattle recovered.

Question No. 949

TRACTORS FOR COTTON GROWERS; UKWALA

Mr. Odera-Sar asked the Minister for Agriculture and Animal Husbandry, if the Minister could inform the House why the Government had failed to provide Ukwala cotton growers with the tractors which the Government had promised them?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Tractors are already working for Ugenya cotton growers in the Ukwala Division and therefore the question does not arise.

Mr. Odera-Sar: Mr. Speaker, Sir, would the Assistant Minister agree with me that the people were promised these tractors early in January of this year and these tractors were sent only last month.

Mr. Osogo: May I correct the hon. Member on one point? The hon. Member seems to be under the impression that these tractors were promised to the cotton growers in Ugenya. No tractors were promised to any cotton growers in Ugenya. It is the policy of the Cotton Seed and Lint Marketing Board to assist cotton growers in the expansion of cotton growing, and that is why the tractors were taken to Ugenya during early last month.

Thursday, 1st April 1965

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
Kenya National Parks Report for 1963/64.

(By the Assistant Minister for Natural Resources and Wildlife (Mr. Jan Mohamed) on behalf of the Minister for Natural Resources and Wildlife (Mr. Ayodo).)

NOTICES OF MOTIONS

AFRICAN SOCIALISM AND NON-ALIGNMENT

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

THAT in view of the fact that Kenya is a non-aligned country, and believing in African socialism as an economic pattern suitable to Kenya, this House calls upon the Government to keep aloof from passing such ideological legislation which would pull Kenya into the cold war.

SMUGGLING OF ARMS AND AMMUNITION FROM ABROAD

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

THAT in view of evidence that arms and ammunition are continuously being smuggled from communist and other foreign countries into or through Kenya for the purpose of staging an armed revolution to overthrow our beloved Government and involve us in external conflicts, this House urges the Government to use all means at its disposal to ensure that this secret plan is revealed and made public, and thereafter completely stop the smuggling of arms to ensure that stability of our Government is maintained.

POINT OF ORDER

INSTRUCTIONS TO THE SESSIONAL COMMITTEE ON PRIORITY OF MOTION

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): On a point of order, Mr. Speaker, in view of the seriousness of the Motion, is it in order to ask for an

urgent Sessional Committee meeting to consider this kind of Motion being tabled tomorrow. I feel very strongly about this and I think the Government will accept what I am asking if it could be given consideration either today or for debate tomorrow.

The Speaker (Mr. Slade): I cannot actually direct as a point of order that that should take place. It is for the Sessional Committee, as we now practice the priority of Motions, to decide. The Sessional Committee will be sitting this evening and this can be brought to their notice, and we shall see whether or not they agree with Mr. Onyok's point of view.

Mr. Ngala-Abok: Mr. Speaker, Sir, in view of the fact that the Sessional Committee is responsible to this House, is it not in order then for the House to move that the Sessional Committee should give priority to the Motion, so that the House can debate it?

The Speaker (Mr. Slade): That could be the subject of a Motion, but I am afraid it is not the kind of Motion we could have without notice according to our Standing Orders. I think you will have to be content with the consideration by the Sessional Committee where, after all, the Government's and, I think, every point of view of the Back-benchers is adequately represented.

Mr. Anyien: On a point of order, Mr. Speaker, would it be in order, in view of the seriousness of the situation that we have arms coming from some parts to overthrow the Government, and in view of the fact that this might be carried out tonight, for us to suspend all business today and discuss that first?

The Speaker (Mr. Slade): Order, order. I must remind hon. Members again that when hon. Members are raising points of order the House will hear the point of order and the reply in silence.

The answer to Mr. Anyien is no, there is no procedure whereby we can do this.

The Assistant Minister for Finance (Mr. Okello-Ong'oro): Mr. Speaker, Sir, would it be in order to move the adjournment of the House?

The Speaker (Mr. Slade): Oh, Yes. Hon. Members can move the adjournment of the House with the intent that we should actually adjourn, but what purpose will be gained by that? I do not know. Alternatively, there is a procedure under Standing Order 14 where an hon. Member can move that the House be adjourned in the course of the afternoon's proceedings to

[The Speaker]

discuss a definite matter of urgent public importance. That procedure might be adopted today if I were satisfied that the matter was definite enough and urgent enough, and it is up to Members to consider whether they wish to propose the adjournment for that purpose.

REQUEST OF MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE: FOR A MATTER OF URGENT PUBLIC IMPORTANCE

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to move that we do adjourn so that the House, even if my Motion is defeated, will have time to see into the urgency which, it is alleged that the Motion is urgent enough to call for an immediate debate on the Motion. I would like to state very clearly what I feel about the Motion, and why I feel that the House should adjourn to consider this situation.

Arising from what has been said here and there, and what the rumours are among the Parliamentary circles, it is sufficiently important to realize that we are going to be swept away by theological motions or ideological considerations for every time we want to decide to do our business.

The Speaker (Mr. Slade): No, I am sorry, Mr. Ngala-Abok, this is not the time to air these views. You can move that the House be adjourned at a certain time today to discuss a definite matter of urgent public importance. It has to be a very definite matter, and I have to be satisfied that it is extremely urgent to demand discussion today. I would also like to point out that debate on adjournment is not allowed if it substitutes a substantive motion which is likely to be discussed very soon, so this Notice of Motion would have to be withdrawn if we were to substitute a discussion on an adjournment today.

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to move the adjournment of the House to allow for the Motion, which has just been tabled, to be discussed immediately.

The Speaker (Mr. Slade): The Motion of which notice has been given suggests that there is factual evidence of smuggling arms into this country; that is a definite matter, which is a matter of public importance, and I say it is so. Therefore if ten Members rise to support Mr. Ngala-Abok in this request for discussion

today on adjournment, I will allow it, provided as I say, Mr. Malinda wishes to withdraw his Notice of Motion. If there is a prospect of that being debated tomorrow then I cannot allow debate on the adjournment today. If Mr. Malinda does not withdraw his Notice of Motion, then we cannot debate it today.

NOTICE OF MOTION

INQUIRY INTO STUDENTS IN COMMUNIST COUNTRIES: MILITARY TRAINING

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

THAT this House urges the Government to appoint a Special Commission to inquire into the number of students studying in communist countries and other foreign countries with a view to knowing and getting as much information as possible regarding persons being given military training to overthrow the Government in future.

CONSIDERED RULING

LARGE NUMBER OF QUESTIONS ON ORDER PAPER

The Speaker (Mr. Slade): Hon. Members will again see that what we have on our Order Paper a very large number of questions, which will necessitate our moving very fast through them in the House today. I know that hon. Members find this very unsatisfactory, but it will have to continue until either the pressure of questions diminishes or there is some amendment to Standing Orders. I will inform hon. Members that, on closer examination of the position, it is likely that the pressure of questions will diminish somewhat in the near future, because we have in fact, been clearing considerable arrears of questions. But in addition to that, I am going to make a suggestion to the Sessional Committee for possible amendment of Standing Orders which might help the position. Meanwhile, as I say, we have to get through this large number of questions at great speed, and therefore I am asking hon. Members to accept that position.

ORAL ANSWERS TO QUESTIONS

Question No. 1027

MIGORI TO BECOME SUB-DISTRICT CENTRE

Mr. Okwango asked the President whether the Government, in view of the fact that Migori was sixty miles from Homs Bay, would consider making it a sub-district centre.

The Assistant Minister for Lands and Settlement (Mr. Gachago): I think some of the Members here must be asked to declare their interests!

An hon. Member: The interests of the settlers.

The Assistant Minister for Lands and Settlement (Mr. Gachago): There is a difference between personal interests and the interests of the voters.

Mr. Speaker, I am sure the officers we have in the Ministry valuing land are not angels and they can make mistakes, and the only way to prove that they have made mistakes is for alternative valuations to be conducted. If our valuer goes to a piece of land and values it and he arrives at a certain figure, and any of the tenants that we have on the land or any of the hon. Members, for that matter, goes there and sends a completely impartial valuer who gives a different value for the same land, then I do not see why the Government cannot reconsider the case. I think, Mr. Speaker, the man who argues about it will pay for it.

Mr. Speaker, there have been a number of very irrelevant matters which have been quoted in the raising of this subject, and one of them is the payment of the loans which are advanced to our settlers. It has been said that the payment of these loans have been with certain profits. Of course, all loans in any bank or in any place are being paid with interest. We are also operating with loans. We have taken loans from Britain, from Germany and from other countries and if we are paying interest, I do not see why the people that we are dealing with those loans, which we have borrowed from other countries, should not pay the loans back with interest. It is not because the Government wants to make money that it is charging the interest; it is because the Government is also committed to repaying these loans with interest. I hope this explains to the hon. Members why interest is charged.

With regard to the removal of fixtures and other things from houses on pieces of land which have been valued, I know for the short time I have been in the Ministry that the whole Ministry, the Minister, myself, the Permanent Secretary and the staff at the headquarters of the Ministry have been very much concerned about the removal of such things. We have made a tour of various settlement schemes to try and find out what property or what fixtures have been removed from the houses after valuation has been conducted, and this is still going on. I can assure hon. Members that if anything is found to be irregular, the Government will not

hesitate to take action, but at the moment, without investigation, the Government cannot know to what extent this is taking place. However, at the moment I can assure the hon. Member that the Government is not aware of anything that is being removed, but this investigation is still continuing and if there is any irregularity in the whole exercise, the Ministry will definitely take action.

We have been told that the settlement schemes are to relieve land hunger and unemployment, but I must assure the hon. Member who raised this point that we know this, the Ministry knows this, the Government is aware of this, but the Government selects settlers and puts them on the land and the settlers go onto the land with full understanding that they have not only to pay a little amount for the land but also to repay the loans that have been advanced to them. If a settler undertakes to repay the loan and if a settler benefits from the land, I cannot see why one settler amongst many should not repay his loan—

The Speaker (Mr. Slade): We will not pursue that irrelevancy any further, Mr. Gachago.

The Assistant Minister for Lands and Settlement (Mr. Gachago): I am replying to this, Mr. Speaker, because it was raised.

The Speaker (Mr. Slade): Yes, but I think now we must keep on what is relevant.

The Assistant Minister for Lands and Settlement (Mr. Gachago): But, Mr. Speaker, I would like to assure the hon. Members that in each case of a house or a little farm or a piece of land that is valued, a lot of trouble is taken to make sure that the correct value is arrived at, and we shall continue to do that. Instead of coming to raise such a matter in this House, Mr. Speaker, we shall welcome any hon. Member who will come to the Ministry and raise with us, administratively, the matter of such a wrong valuation. We shall discuss it, we shall assess it and we shall investigate, and, if necessary, we shall review the case with a view to revaluation and see to it that to whoever the land is sold will be given the land at the fairest possible price.

Mr. Makone: Mr. Speaker, Sir, this is a very important Motion and I think—

The Speaker (Mr. Slade): You have only one minute, I am afraid.

Mr. Makone: —the Mover is correct in bringing this Motion at the right time.

[Mr. Makone]

Mr. Speaker, I wish to substantiate one of the allegations made by the hon. Mr. Masinde, when he said that the former farmers destroyed things in the houses before they left. In my settlement scheme, a gentleman called Mr. Walker disconnected all the electrical wires, disconnected the water pumps and spoiled all the keys, so that out of 24 keys, only two are there. Mr. Speaker, I have written a letter to the Minister complaining and demanding a clear explanation as to why this was done, whether this was done as a matter of discontent; I want to know as a representative of the area.

Mr. Speaker, a Motion was brought here to this House demanding the eviction of the settlers and it was sort of debarred, but the most important thing is for the Members not to go into the causes of the failures to repay the loans, the cause was the over-valuation of the land—

ADJOURNMENT

The Speaker (Mr. Slade): I am afraid that is the end of our time, Mr. Makone. The House is now adjourned until tomorrow, Thursday, 1st April, at 2.30 p.m.

The House rose at fifty-eight minutes past Six o'clock.

[Mr. Masinde] did not question this; the man collected the money, he went away and sold those things which he had removed from the very farm to the local people around. Sir, that is one farm, but I can mention several of them—

The Speaker (Mr. Slade): I am sorry, Mr. Masinde, but I want this quite clear. You say that the man who sold the farm to the Settlement Board then sold the doors and windows to the local people?

Mr. Masinde: Yes, Sir.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, since this is a very serious allegation, if in future this case is investigated and it is found that the Government is not aware of a case like that where doors and things were removed and sold, what action would the Ministry take on the hon. Member who is alleging that?

The Speaker (Mr. Slade): The same as on other occasions. You would first of all require the hon. Member to substantiate what he is alleging, to say on what evidence. If, in spite of this substantiation, you find afterwards that what he has said is untrue, then you point it out to him and ask him to make a Personal Statement to this House, acknowledging it is untrue, and if he is not prepared to do that, then the Speaker must be informed.

Mr. Masinde: Mr. Speaker, Sir, going on very quickly, that example I have given is quite true and the Ministry can investigate according to that one example.

Sir, there are some other very serious cases where some houses have been bought by the Ministry of Lands and Settlement in the settlement schemes. In the Lugari Settlement Scheme, you have a person who has possibly 500 acres and the farm valued including some fixed assets, such as water running all over the farm, paddocks and things like that. Of course, that is one would rest with what I have already said about Mr. David Russell, but here it is a case where a person has been living in a temporary house made of mud and wattle, and this very house is valued at Sh. 26,000. At the time, this person sold the house, of course, he was living in it temporarily and he knew he was going to move away in about three years so he did not take care of this particular house, knowing very well that this House is going to fall down within a matter of two months or four months and it does not work but with this amount of money. The particular house that I am referring to at this time is now on the market for

sale again and nobody can live in this house. The farm of (Inaudible) in the self-settlement scheme, the house of Jackson in the same scheme and the house of (Inaudible) in the scheme are now ready to be sold with a hundred acres plot allowed (Inaudible) he paid so much and you, if you want to go into this plot you will have to pay this. Sir, these are some of the things which are hitting people: very badly but he has the job nevertheless because somebody wants the land he has not got anything (Inaudible) The facts which the Ministry has got to tell us, if it is not on friendly terms, why should a house which cannot even cost £700 today, should be sold to a poor African, and it is in a completely unsuitable condition for living in? The only answer we have always said that settlement schemes were to relieve the lives of people, but these very people they have been told the condition when they go in, but they remain there and begin to repay their loans. Things which are bought by the Ministry, like barbed wire are charged to these people but they are not given the barbed wire. Now why should people be charged for something they never get? They sometimes pay out a lot of money, amounting to Sh. 1,000. Sir, this is what is very important and a very distressing point for people and we are now wondering what is left for Government to do to help these people. I hear that these people are to repay this amount to Government or they are to lose their land.

Mr. Muliro: Mr. Speaker, Sir, I rise to support Motion very strongly, as I, myself am one of the victim farmers of one of these wrong evaluations.

Mr. Speaker, the assessments and evaluations which were done in compassionate cases through and through were definitely too exorbitant and today the Africans who work those farms who are settled on such settlement schemes are naturally making no money at all because the evaluations were so high in the areas where the prices normally for an acre would have been £4, today they are anything up to £20. When one looks at the settlement scheme like Lugari and other settlement schemes within the Western Province, one would never pay on an open market more than £5 per acre, but today, Sir, the average price is at least £12 per acre in those settlement schemes. To make it worse, as soon as a new African farmer gets on the land, his duty is to find a timetable as to how he is to repay the loan. In fact, the first assignment is due within the first six months, normally before

[Mr. Muliro] the farmer even builds a house on the plot which he has been allocated. Sir, I do not know how the present Government expects the African to go through a land market, when the landless Africans were to be given priority. These people have no source of income. How can any person expect him to start repayment of the loan immediately or within six months after he has settled on the plot?

Now, the hon. Minister says they should sign an agreement. These people need a home, but a home would not be such an expensive one. The Government must accept that the poor people in the country are the people who want to develop.

The Speaker (Mr. Slade): Mr. Muliro, you must keep to the point which was raised actually by Mr. Masinde, which is the method of valuation of land purchased for settlement schemes, as the terms on which the new settler is required to pay. That is a different matter.

Mr. Muliro: Thank you very much, Mr. Speaker. Now, these evaluations are the basis on which the failures are taking place, because of higher valuations and wrong valuations, in our view, these settlers are called upon to pay exorbitant prices in repayment. Therefore, the only way in which the Ministry could assist now, is to revalue these farms and if it is found that the valuations were wrong, then the Ministry must then accept the responsibility of their failure and tell these people, "The price now for this land is going to be this." Sir, it is no good doing something which is wrong and which is going to be a failure. We know, Sir, because of wrong assessments, these settlement schemes throughout the country are today a deplorable failure. The one of the ex-farmers themselves, who were selling land said, "Such and such a price is all right, and "you accept such and such". This, Sir, is without compensation. Today we are independent Kenya. Those valuations were done before Kenya entered into internal self-government, before it was a self-governing state. Today we realize that the valuations were wrong. Because they are wrong, a special committee would be set up to inquire into whether those valuations today are right or not.

Now, the Minister for Settlement, Sir, has turned a blind eye to this, but he must accept that they are creating conditions under which, because of frustrations, we might create a revolution. We are only asking the Minister for Settlement to appoint a special committee to inquire into these valuations because as the hon. Member

alleged, there are farms where the farmer does not have a high valuation, so he removes all the wires around the farm. Then the farmers are told to pay for this particular move and they have not received anything at all. This, Sir, is not what we accept.

With this, Sir, I support this very, very strongly.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I believe that the hon. Member remembers that this Motion arose from a question which was placed in this Chamber regarding the valuation of land, and I sympathize very much with the hon. Member in his various statements, although I do not wholly agree with several statements which have been made by both the Mover and the Seconder of this Motion.

Mr. Speaker, Sir, in my reply to the question from which this Motion arose, I explained that the valuation of land cannot be fixed. Land is valued according to a number of factors. It is valued according to fertility and also in accordance with the situation of the particular land to be valued. Therefore, the price of land has never been fixed in any country in the world, and Kenya is not going to start by fixing the value of land. However, I do agree in one aspect, that mistakes could have been made in the valuation of land. I say mistakes may have been made, but I do not believe in one statement that was made by the hon. Member for Trans-Nzoia, that the Ministry of Lands and Settlement has remained deaf because I cannot recall, Mr. Speaker, the hon. Member having come to the Ministry and complained that any particular valuation was wrong and we have not taken any action. I would like to promise the House today that at any time, when any of the hon. Members present a case of wrong valuation to the Ministry, the Ministry will not hesitate to look into these particular cases. But I will not agree that the valuation of every piece of land, every single plot that has been valued by the Ministry of Lands and Settlement has been wrong. I am completely adamant about it and I am not going to agree with it, but it will give a reservation to this, Mr. Speaker—

Mr. Makone: On a point of order, Mr. Speaker, the Assistant Minister is alleging that if he is presented with any case, he will look into it. Can I ask him to say what steps he has taken on my letter to—

The Speaker (Mr. Slade): No, no, Mr. Makone, that is not a point of order.

[The Minister for Information, Broadcasting and Tourism]

now the Voice of Kenya, of many thousands of pounds of much needed revenue to the country. The following figures, of course, will enlarge on what I am saying now. I think you will agree that the figures are startling and have put us in a very awkward position indeed.

The number of radio sets which were imported in 1964 was 92,877. The increase in the number of radio licences issued was less than 3,000. Thus, in one year alone, the number of radio sets in Kenya has increased by some 90,000 whilst the number of licences issued have only increased by about 3,000. This means that most of the people who own radio sets are enjoying the facilities by purchasing the domestic comprehensive sound receiving licence. In the last ten years, over 400,000 radio sets have been imported, but at present the number of licences issued is only—to make it a round figure—about 100,000. These figures show that additional radio sets are being purchased on domestic comprehensive licences, so that no additional licence revenue, or if there is, very little, accrues to the Voice of Kenya, or even accrues to the Government for that matter. Under the proposed legislation in 1964, £92,000 revenue would have been received in respect of new sets imported during the year, without taking into account the revenue on existing sets. I have dealt with the provisions of the Bill in this case, so far as it concerns radios, although it applies equally to the television sets. The effect is not likely to be so marked.

The second fundamental change which I mentioned is a requirement under the proposed legislation that each set should have a valid receiving licence attached to it as you will see in section 9. This provision is designed to assist the work of the licence investigators who are doing a good job, inspecting the licences and in the logical consequence, checking to see that each set has a licence as we want it in this Bill. Even the law will thus make it difficult, and a set which does not have a licence attached to it will be liable to seizure. This provision will also apply to radios in cars. There is no provision in the new legislation for domestic comprehensive sound licences. This class of licence was issued to persons whose incomes did not exceed £120. Difficulties were always experienced in establishing what a person's income was and the concession was undoubtedly open to considerable abuse.

Since what is now the national service of the Voice of Kenya has been considerably expanded

and improved, it is felt that a Sh. 20 licence fee is not excessive and is a great deal cheaper than in many countries. Provision is, however, made for community licences as well as those genuine cases of hardship through old age or infirmity. Persons in the last category may apply for exemption from the licence fee under section 17, as you will see in the Bill.

I mentioned previously other provisions designed to improve enforcement of the licensing laws. These provisions require dealers and retailers to keep records of the licences of the sets which pass through their hands; that is when a new set is sold, the name of the purchaser and the details of his licence must be recorded in a book which will be subsequently available for inspection and checking by the licence investigators. Similar records must be kept of sets brought in for repair.

A further provision enables licence investigators to search premises if it is thought that a radio or television set is there. This, also, is not a new thing, but we would like more power in this particular clause. Previously, no such power was held and checking was difficult to carry out in those cases where an unco-operative attitude was met with, because in certain cases it has been reported to us that members of the public do not co-operate with the investigators when they ask for the production of their licences.

It is estimated that there are probably about 300,000 or more radio sets in use in Kenya today. Whilst inevitably the situation where every radio is licensed will never be achieved, even if 80 per cent are licensed, revenue amounting to about £240,000 should be collected. This is an increase of about £100,000 on revenue collected in 1964, and will be necessary to assist in financing the very considerable developments that have already taken place and are planned for the future of television and broadcasting in Kenya. The figures quoted above, Mr. Speaker, Sir, are the very latest available and relate to the year 1964.

Mr. Speaker, Sir, you will find in the Bill we have shown that consideration will be given to community centres, such as primary and intermediate schools, youth clubs, *Mwengeles ya Wanawake* clubs, Y.M.C.A. and Y.W.C.A. hostels, police messes, Tribal Police, prison and armed forces canteens and also other charitable institutions. Concessions are given when licences of this nature are applied for, but what I would like to emphasize, Mr. Speaker, Sir, is that it is important that this Bill should be supported fully in order to remove the domestic comprehensive sound receiving licence which, of course, was probably used at a time when the majority of radio

[The Minister for Information, Broadcasting and Tourism]

set holders were more or less of a higher social standing.

As you will see, Mr. Speaker, in the Memorandum of Object and Reasons it is stated that the enactment of this Bill will involve an expenditure of approximately £5,500 per year of public funds in the collection of fees and payments, but this sum will only be about 24 per cent of the expected revenue of approximately £220,000 per year. Therefore, Mr. Speaker, since the hon. Members have studied the Bill I hope they will give a full support to facilitate the collection of fees as outlined in my speech. Thank you.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

MOTION FOR THE ADJOURNMENT

COST OF LAND IN KENYA HIGHLANDS

The Speaker (Mr. Slade): This is a good point for the interruption of business, so I will call on a Minister to move that the House do now adjourn.

The Minister for Health and Housing (Mr. Olando): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

Mr. Masinde: Mr. Speaker, Sir, I stand to move a Motion which arose from Question No. 69, which is concerned with the price of the former Highlands of Kenya.

What is important here is that which we could not get from the Minister. I had a few points which I wanted to mention and which we must get from the Ministry of Lands and Settlement.

Sir, if I can deal with the settlement schemes first, where Government was directly involved in how money and buy these farms to enable the African landless to be settled. Outside, Sir, it is known that a good number of farms have been bought and quite a number of people have been settled on these farms, but the main problem here which compels us to question the Ministry is about the prices which the new settlers are now being asked to refund. Sir, the problem arose with the valuers of these farms. They all happened to be the former settler Europeans. Some were employees of the Ministry of Lands and Settlement, but because the person who was selling these farms was a European, it was necessary that another friendly European had

to value this farm at a very high price, including some of the things already taken off the farm, particularly when we say that a farm which has some improvement like fences, housing, or possibly water, terraces, and power; all these things were included in the price of a given farm. But what has happened, particularly on the settlement schemes, is that when the settlement officer moves on to this plot, he finds that a number of things which were included in the cost of this particular farm are not on the farm as permanent improvements. The Ministry has never taken steps to question why particular items were included in the cost of the farm and yet were not in existence at the time the Ministry took over. This was unnecessary expense to those who have been settled in these farms because they are requested to pay even with the profit on.

Sir, as the hon. Assistant Minister for Lands and Settlement requested, I am going to give specific examples of three farms in one of the settlement schemes of which I am a representative. One is the farm of Mr. David Russell, which today is in the Kipkarrin Scheme. It was valued at a very high price. It had a very good house and, of course, it is still there, but most of the things were moved out, including doors of the house, baths, but when you look at the valuation sheet on which this man was given money, all these things are included, but—

The Speaker (Mr. Slade): Will you stop for a moment, Mr. Masinde. If you are alleging that the vendor himself removed these things, you should make it quite clear, and state your reasons for saying so.

Mr. Masinde: Mr. Speaker, the fact remains that the farm is valued before this person goes away and when he has the valuation through, now waiting for the cheque from Government, he decides to remove some of the things which were valued to be sold with the farm.

The Speaker (Mr. Slade): You are alleging that the vendor did remove them?

Mr. Masinde: I am not actually alleging, I am giving a specific example of what has happened on this particular farm.

The Speaker (Mr. Slade): I know, but we must get this clear, Mr. Masinde, having regard to the responsibility of Members in this House for what they say. If you are alleging that the doors and windows disappeared because the seller of the farm took them away, you must make that quite clear and say on what evidence you base it.

Mr. Masinde: This man came from just next door to me and he did so, but the Government

[The Minister for Health and Housing] It is being decided now in my Ministry whether we should not have what we call a community nurse, that is a nurse, midwife, health visitor all in one, because at present we train them separately, and in our health centres they work separately, but there is a case, I think—and this is soon to be decided—as to whether we should not have a person who combines the three qualifications for use in out-of-the-way places and the North-Eastern Region and north of this country, where it is impossible to keep three people. One person could be the nurse, midwife and health visitor.

This Bill that comes before you is an old Bill. I said at the beginning that it is as old as 1949. When this Bill was brought before this House I was not here, so I do not know about it, but nobody seems to have read the questions of defining the word "nurse" or including in the definition of "nurse" the hospital assistants of that time. The practice has been, in my Ministry, that hospital assistants have been given that rank and recognized as higher than these other people in their own sphere by their employer. The employer may be the local authority, the Kenya Government, or a private mission hospital, but they have their own rank. But, they are not actually affected by this law. The fact that they may not be represented in this council does not affect them. In fact, I understand that they represent themselves very well and they have their own organization which represents them and sends their grievances to the Government.

So, I would, if I may, to just clear the Bill, that this Bill is only for nurses, midwives, and health visitors. The higher grade of qualifications are known as registered people. The next grade are enrolled and put on a roll. There are enrolled nurses and registered nurses. It is just the way things are arranged in this council that some are registered and some are enrolled. It does not mean that they are better qualified than the people from England, for example, but it is just the way they are arranged. A nurses' council, midwives' council, health visitors' council was made in 1949. What I am asking the House to do is to approve of amendments, first of all, by upgrading the assistant enrolled nurses to be known as enrolled nurses. If you cut out the word "assistant", and just use the word "enrolled", she is still doing the work of the enrolled nurse. That is what I am asking the House to do, because we found that our nurses were doing very good, and so far we are training our own-registered nurses in Nairobi as Kenya registered nurses. It is no use calling them "assistants"

because they have the qualifications, they have the Cambridge School Certificate, and they trained with both European and Indian girls on an equal footing, and their training is supposed to be very good. So, where does the word "assistant" come in? Some years ago, because of the composition of this country, the word "assistant" was very useful. Even our present doctors were known as "assistant medical officers", but now they are full medical officers and are doing the work very well.

So, that is one of the things I am asking you to do. I am not asking the House to quarrel or to argue as to whether the hospital assistants are well represented. I would like that subject to be left aside. If the Members, as I notice today, are very anxious to deal with this other subject of hospital assistants, medical assistants, and clinical assistants, I am prepared to give a guarantee that I will look into the laws of the medical profession to see where they come in provided they do not interfere with these regulations about nurses, midwives and health visitors, which are quite different.

Usually, I am advised by the legal authorities that the position is very difficult and that it is very hard to define and an obvious thing. For example, to define a nurse; many people have attempted to define what a nurse is. You will be surprised at the attempts that have been made, but the legal people cannot find a definition of this word. You can only say, for example, that a nurse means a person charged with, or trained for, the care of the sick, or something like that, but you cannot go further than that. Nor can you even define a doctor. So, I would like my friends, who were asking for definitions of a nurse, midwife, or health visitor, to bear with me and take the definitions here, that a registered nurse is one who appears on the registers. We know that she is a nurse, but she is a registered one. There may be other nurses who are not registered; in fact, there are plenty of nurses in Kenya who are not registered and who always endeavour to get registered, but we cannot cover every nurse. We do not even cover the doctor when he is doing nursing; we do cover the medical assistant when he is doing nursing some time in his career, but he is doing doctoring at sometime. So, when you ask me to define this clearly, I tell you it is quite impossible. I would like the House to be contented with the definition that these are the people who appear on the registers, various registers, whether of mental nurses or of midwives or of ordinary nurses or if they are on a long list which is called a roll, because enrolled nurses are in this too.

[The Minister for Health and Housing]

Now, in our Ministry, we recognize the various grades apart from these three. The title of clinical assistant has just been brought in, and, as you heard today, the Government had to stop training clinical assistants for some reasons that were given today. We hope in future to be able to resume training them when we have found the money and also found out where their positions will be. I would like, therefore, to ask the House to bear with me and deal only with the people mentioned, that is, nurses, enrolled nurses and registered nurses, midwives and health visitors. It does not mean that we do not recognize the duties of our other friends and in this case, most of the people we deal with are females. You will see that the Bill in some cases says "her", using the female gender, because in many cases the nurses are female and men usually are in other categories. So, there are, in fact, apart from people who are called medical assistants, other people in the medical profession for whom we are trying to find a place. We have got pharmacists, assistant pharmacists—we used to call them compounders—and we have laboratory assistants, assistant radiographers, who learn to use X-ray machines, and we have also got physiotherapists, but at present the ones who are to be entered for are the medical assistants, and laboratory assistants, physiotherapists, and assistant pharmacists. The others have already found a place.

So, I would like to ask the Members, with all the nice arguments I have listened to and heard, to be a little when I say that I will take into consideration all they have said, but I would like to be given the opportunity to get this law passed early for those categories concerned here.

Someone mentioned trainees. We have trainees of various types but I do not think it would be in order to represent trainees on this council at all because they are not yet qualified to be registered. I do not know how things went on in the past, but now we are going to encourage in-training so that if a person comes in as a hospital assistant, he may end up by being a doctor. I know that that has not been allowed in the past, but I can say this for the Ministry of Health, that they have had the distinction of a person who entered the Ministry as a sweeper, and now he has not only got an O.B.E. but is also a very high person in the laboratory.

That is an encouragement and it shows that anyone can do it. If he could go through all these grades of illiteracy right up to the man in charge of all the examinations of all those specimens which come into the laboratory, then

surely anybody else can do it. We shall see that people do not get content with only being dressers all their lives, but that they work themselves up and become anything up to a doctor. I would like to say that the complaint from the hon. Mr. Mbogoh will be looked into, and I am very appreciative about it, and I think that the young doctors need a little bit of supervision before they are given power.

Lastly, Mr. Speaker, Sir, I would like to ask the House to pass this Bill so that we can go ahead with the improvement of the services of our nurses, midwives and health visitors.

Thank you Mr. Speaker, Sir.

(Question put and agreed to)

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

Second Reading

THE BROADCAST RECEIVING (LICENSING) BILL

The Minister for Information, Broadcasting and Tourism: (Mr. Achieng-Onoko): Mr. Deputy Speaker, Sir, I beg to move that the Broadcast Receiving (Licencing) Bill, be read a Second Time.

This Bill, Mr. Deputy Speaker, Sir, is designed to make major changes in the law as at present constituted. The changes are, firstly to make it necessary that every set, whether radio or television shall have a licence at a standard fee. Mr. Deputy Speaker, Sir, I shall come to that later on. Secondly, to require that the licence be attached to the sets at all times, except when it is in the hands of a dealer, whether for sale or repair. There are other provisions to facilitate enforcement of the law which, again, I will deal with later.

The first point, Mr. Deputy Speaker, Sir, deals particularly with, and is relevant to, sound licences in its present form, which is, that by purchasing what we call a domestic comprehensive sound receiving licence, a member of the public may then possess any number of radio sets.

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

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

This licence costs Sh. 40 and in practice will often cover quite a large number of sets, including a radiogram, transistor sets, perhaps a car radio and sets used by members of the same household. The licence, in fact, applies to the premises or household of a family and not to the individual sets purchased. This situation has the effect of depriving the broadcasting services,

[Mr. Anyiel]

The reason why I say that mission hospitals are much better than Government hospitals, is because of the spirit they have, the feeling that they were sent by God to serve God's people and they pray for people and console them and they feel much better. I therefore think, that Government should lend more assistance to these mission hospitals.

I would like to advise the Ministers that Kisii Hospital has been so badly run that the county councils and other leaders of the district have approached the Catholics the Seventh Day Adventists to take it over and run it, or any other religion, because you find the people who go there are not well cared for and that is why I say that Government should give more money. As a matter of fact, if you were to ask me I would vote more money to mission hospitals than to Government hospitals. There are very few Government hospitals where you receive proper treatment, one of which is Kenyatta National Hospital, but even in Kenyatta National Hospital, Mr. Speaker, you also find that the medical assistants are the ones who are really interested in you. Sometimes, you can sit there for five hours and find that there is no doctor around, but if you go to a mission hospital you will be attended to immediately and they will even pray for you.

Mr. Speaker, with regard to representation I feel that the more mission hospitals each faith has, the more representation it should receive from the Government so that it cannot blame anyone for hindering or interfering with their wish to serve the people. Even the reporters should not report that any Member of this House has said that mission hospitals are below standard because that would only discourage people who come from distant lands and whom I believe have no other interest in our country other than to try and help our people. And with those few words I support the Bill.

Mr. Mbogohi: Mr. Speaker, though I understand that the Minister is very sincere about this Bill, I would also like to speak for a few minutes on this clause on representation, now though the Attorney-General said that he did not know the definition of a doctor, I would define him as a highly qualified nurse, but I do not know whether they would agree with me because I find that when I go to the nurses there are men who are called nurses and men who are called everything, including dressers; as a matter of fact, we even have men who are called "midwives" in the medical profession, men and women can use the same names and you find that representation as I said, (I do not understand whether the nurses

which will be represented in this country will be male nurses or female nurses) and what the Minister replies, I hope he will tell me what type of nurses are to be represented. When we have a doctor, he is called a doctor and nurse it is a matter of whether it is a man or a woman, but in this case, we must have a division between the two to know whether it is two female nurses or two male nurses.

Mr. Speaker, what I would like to add to that is now that we have many Africans joining this medical profession, we find that, in some cases, an African who has been working as a hospital assistant for twenty years, is kept under a doctor who came from training perhaps only last month and probably does not know any more than he has learned in school and when he comes into this profession he thinks because he has just left training he knows much more than the assistant who is working under him. Now, if the Government could establish an institution whereby if a medical assistant has worked in the hospital for so long, he can be taken for some further course so that he can be promoted and become a doctor after so many years of training. I think that this would encourage so many of our people to join. Now, if you are a dresser, it is possible that you will die a dresser, and that does not encourage you very much to join the medical department. After all, if the Government could look into that, I hope that this will be better.

Now, there was a point last week, on a day when I was speaking about Embu hospital, and the Minister himself stood up and said that I should declare by interests with this hospital. Now, this is the right time to make it clear to the Minister that I was not against the doctor who is there at present, because I take him as a very hon. doctor, and a very capable man.

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

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

But, the doctor who was there before failed to control his staff and he let them go so loose that even the present doctor is finding it very difficult to control them, because they want out of control, they do what they want, they sell what they want, and they treat people when they want, and as a result this hospital is a mess, and nobody wants to go there because it looks so terrible. Corruption in that hospital does not apply to the doctor who is there, but to the doctor who was there before and did not take action, and I understand now that this doctor who was there before is spending the Kenya Government money in London while studying for some more degrees

[Mr. Mbogohi]

just be made a mess of things here. I believe that if they are doctors there should be a certain qualified doctor or a body of qualified doctors to go and check the activities of the young doctors who are still in the trade and know that they are doing a proper job and not just going there to get money.

Mr. Deputy Speaker, I have found that wherever something is written in this Bill, it is requiring registered nurses, registered health visitors, registered doctors, and everything else. I am wondering whether there are people practicing today before they are registered, because that might mean that those women who look their courses some time ago, and were registered as midwives in grade II or dressers in grade II are not represented in that case, because when it comes to practice there is now a Kenya registration nurse, and those old nurses who are the assistant nurses who have done a lot for this country. If this organization is only for the Kenya registered nurses who are very highly qualified, then the whole of that lot which have worked in this country for many years will be without representation and there will be no compromise on anything, because they will know that they do not have their people inside the organization.

Mr. Deputy Speaker, I will now go to the fact that I believe that the organization will be able to be sued and sue because it is no use giving property to somebody who cannot defend that property. It is useless to give me something and then tell me that if somebody takes that thing from me, I cannot sue. If I take anything from somebody else, I cannot be sued. Then, I would be a very awkward little creature in this world, on the one hand, and a very big one on the other hand, and it would be most controversial. So, that clause should not be permitted because that shows that this body is most independent and I will not like to see the Government using its solicitors to go and defend a body which is so independent.

With these few remarks, Mr. Deputy Speaker, I wish to hear from the Minister when he comes to reply and at the Committee stage I wish to see him amend what should be amended and add what should be added, and after that I will report.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, can I move that the—

The Deputy Speaker (Dr. De Souza): I think you have already spoken.

Mr. Ngala-Abok: I was just moving that the Member be called upon—

The Deputy Speaker (Dr. De Souza): It was going to call on him in any case.

The Minister for Health and Housing (Mr. Otieno): Thank you, Mr. Deputy Speaker, Sir.

I would like perhaps to start by saying how interesting the contributions of the Members of the House have been to this Bill. But, in their efforts to be useful to me and my Ministry, perhaps they went beyond what this Bill wants. This Bill only intends to deal with registered nurses, registered midwives, and registered health visitors. It is not the intention of this Bill to deal with hospital assistants, medical assistants, clinical, or even health assistants, or health inspectors. The only time that a hospital assistant is included in this Bill is when a hospital assistant, not a medical assistant, not a clinical assistant, but a hospital assistant is doing nursing, because he sometimes does nursing. Otherwise, all the other grades of very useful staff of the Ministry, good creatures, on whom we depend so much in Kenya, who look after all our hospitals in our country, who are not included here. Perhaps that will clear the air. But, the hospital assistant may be included here if he likes as far as he is a nurse, because he is also a nurse—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, it is in order for the Minister to say that in Kenya today we do have such a person as a hospital assistant, but all hospital assistants are now medical assistants? This is misleading, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): If it is a question of information, then perhaps the Minister could clarify this point?

The Minister for Health and Housing (Mr. Otieno): Thank you, Sir, for drawing my attention to this. The names change so fast that that is one of the reasons why they are not included in the laws, because tomorrow we do not know what they will be called. The training in this country is going higher—and this is not our fault now yet, as a country—and this is not our fault now—decided whether there will be an intermediary grade as Tanganyika has between the qualified East African doctor and the other group of these nurses, midwives and so on. At present we have dressers, a grade of dressers, in our hospitals. Then we have the various grades of nurses, and midwives, and health visitors. Then, we have this group that was trained many years ago to do community work, and maybe we are coming to that again. We have these so-called hospital assistants who are now called medical assistants. We have a senior group of those promoted, and what were called clinical assistants.

[Mr. Kamau] In many parts of Kenya we know most important part in our community. We know most of the hospitals in Kenya are being served by hospital assistants without any doctor at all, and if we allow this Bill to pass, without giving a chance to the hospital assistants to be represented in that body, it means we are creating trouble in the whole country because the nurses will be overall commanders in the hospitals and wherever a controversial issue comes up in a hospital, the hospital assistant will have no say. I think it is high time the Minister looked into this point and saw that these hospital assistants are fully represented, because, if I may refer to cases I have noticed in most of the hospitals I have visited, I have found quarrels between the nurses and the hospital assistants because of their attitude of accusing the hospital assistants, the doctors in the hospital, only to maintain their standard or to remain peacefully with either doctors, or the rest of it. I think it is high time, Mr. Speaker, Sir, that the Minister should see that the system of our hospitals is completely changed, because the old administration always gave, to a certain extent, very unsatisfactory work, and this has brought a collision between hospital assistants, nurses and doctors. This has hospital assistants, nurses and doctors—because most of the Africans who are now in the hospitals do not have a full training.

I would also request the Minister, Mr. Speaker, Sir, when replying to assure this House, because we are at the stage of Africanizing every position in Kenya, that he is going to establish a nurses' training college, whereby our womenfolk are going to be trained as soon as possible, so as to help as many of them in this council of nurses and doctors. My reason for bringing this point, Mr. Speaker, is that at this moment you find in most of the hospitals we have very few nurses—fully trained, and I request the Minister to look very sincerely into the point of these hospital assistants, to be fully represented. I do not want to repeat what has already been said by other hon. Members, but I very strongly support that the hospital assistants should be members of this council.

With these few remarks, Mr. Speaker, I will reserve my position on this—whether to support or not—until the Minister replies and satisfies this House that he is going to amend the whole of this Act to see that it is fully Africanized and we are not passing this Bill here for the benefit of any foreigner, but for the benefit of the Africans in Kenya.

The Attorney-General (Mr. Njonjo): I will only take two minutes, Mr. Speaker.

I want only to comment upon the section which was referred to by my hon. friend: namely, section 3. of this proposed Bill, the establishment of a council which shall have a corporate being and a perpetual succession and be capable of being sued and also able to sue. Some hon. Members will remember that we had a similar debate here not a very long time ago and a certain word was played about with, but the important thing, I think, to remember is that you are here establishing a body which would be in a position to employ staff in their headquarters and this headquarters must be situated in a certain place and must have a piece of land and offices, and you must have somebody who can be sued if, for instance, they do not pay servants' salaries or if they do not pay rates to the City Council. The only way you can do that is to create a legal persona: that is a corporate body of all these nurses, midwives and health visitors whom anybody can sue in a court of law and be responsible for paying whatever the court assesses; in other words, you will not need to sue the Director of Medical Services individually or the Matron-in-Chief, but you sue this body which is a legal persona.

I hope that, Mr. Speaker, explains that position. I might also say I understand a question was raised on the definition of nurses and doctors. With respect, Mr. Speaker, if one were to define every terminology in a Bill or in legislation, of course there would be no end to this. We know who nurses are and their qualifications are, of course, clearly laid down. Some of these young ladies will be trained in our own hospital here, and their qualifications and syllabuses will be laid down by this organization.

Mr. Speaker, I support.

Mr. Kamau: On a point of order, Mr. Speaker, could it be made clear by the hon. Attorney-General, because we are now confused with the word "nurses", whether that word legally also includes hospital assistants?

The Speaker (Mr. Slade): That is not actually a point of order. However, we do not mind if the Attorney-General continues his speech before any other Member speaks.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I think that question can best be answered by the Minister.

Mr. Anyien: Mr. Speaker, Sir, here is where I think we need more of our hon. Members who might have been doctors or who have worked in hospitals, and I am glad that we have the hon. Mr. Ngala-Abok here and the hon. Mr. Ekitella

[Mr. Anyien] I do not see the hon. Mr. Ekitella around here —to be able to tell us what some of these clauses mean.

Mr. Speaker, I understand that one of the reasons why hospital assistants are not mentioned here is because the word has been removed and now they are called medical assistants. If this is the case, we would like to know whether this was written in the Official Gazette and why it was not incorporated in a Bill like this, so that we do not get confused between hospital assistants and medical assistants.

I understand, Mr. Speaker, that a hospital assistant was a person who was a little lower than a medical assistant. After having completed standard 8 the hospital assistant underwent a course for some years and the people above called 8, who qualified after training were called medical assistants. Now, here is where it does become a little confusing and I would like to say that the Minister should not take this as being a very controversial thing. If they have changed the title "hospital assistant" and have replaced it with the title "medical assistant" and we are here debating because the other group should also have representation, I propose that the Minister when arriving at the committee stage, should reduce the number of people mentioned in the following clauses to keep the number to a minimum: clauses 4, D, E, and F. Instead of four registered nurses, four registered midwives and four registered health visitors, he should decrease the number by one in each of these groups to give the vacancies available which would be one in each group, to medical assistants, so that they cannot complain that they are not being represented and that their views are not being represented in this body. I believe this would help a great deal and the Ministry would find that in doing they would be satisfying the desires of the others.

Now, Mr. Speaker, I am not a doctor, and therefore I do not know a great deal about this profession, but as a person who has been treated, I find that patients complain very bitterly. Unfortunately, we are not always able to understand their problems.

Mr. Speaker, you find that some students have failed and obtained a school certificate, but have not been able to obtain a high enough mark to go into a university to study medicine, but who are desirous of joining the Medical Department. I feel that the Minister should be able to find a place for these people which would be in between the position of the medical

assistant and a doctor, because you will find that in very many respects these persons do work in the same capacity as doctors and nurses in many places where you find there is no doctor and these medical assistants are very capable of handling the work. I, personally would rather go to see a medical assistant than to see a doctor, because some times you find that the medical assistant is more sympathetic and understands your problems, whereas the doctor does not seem to take a personal interest in your problems. I know one of my Ministers used to take his children to a hospital assistant instead of bringing them to a doctor, because the hospital assistant took a much keener interest in his patients. So, I feel that if these people are capable of doing good work the department should try, after these people have received very good training to place them in a position which is lower than that of a doctor but, higher than that of a hospital assistant when they are in charge of an area. For example, Mr. Speaker, in my constituency which has a population of 105,000, we do not have a doctor. The only people who deal with the problems of maintaining the health are these medical assistants and there are times when these medical assistants are dissatisfied because they feel that they are underpaid, and their life is unbecoming, etc. I therefore hope that the Minister will not only consider their representation, but he will also consider them a better title when they have done their work so well.

Another thing I would like to point out at this time, Mr. Speaker, is, we have many mission hospitals, and I would like to differ with the hon. Member who said that many of these mission hospitals are of a very low standard. Personally, I would like to say that we have a Government hospital in Kisii Town, but you will find people from my home going 60 miles to Kipsa Bay which is a mission hospital and also people who live in my constituency going to Kabrone which is very many miles away and not attending the Government hospital which is very near. So, I personally cannot agree with anyone who is saying that the mission hospitals are of a very low standard, but what I think we should urge the Government on is, that the Government should supervise the training. I think it is very important that Government supervise training because I know instances where some of our young girls and young boys go to the mission hospitals and later on they cannot pass the Government examinations and I think if the Government could help the mission hospitals in supervising training it would be for the benefit of the country.

[Mr. Mate]

Speaker, Sir, normally they have staff from overseas who volunteer to come and help, but disease is disease wherever you are. Wherever you are, Mr. Speaker, Sir, the Government should give more time to these bodies, supervise them and make them raise the standards of the treatment that they are advocating here, so that the treatment which is given is adequate.

Mr. Speaker, Sir, I feel very hard pressed not to blame them, but I do blame the so-called voluntary hospitals. I know they are handicapped, but this does not only happen in Kenya, but we should not just keep quiet and hope that nature will take its own course. The hospitals in Meru have been given facilities for training nurses, but, Mr. Speaker, Sir, they fall short of what we would like to see. They are frustrating their students, because religiously they are very biased. They also feel that they should do it as a matter of favour. I would therefore request the Minister, most sincerely, and I take Meru for example, not as it is in Kenya, to see what can be done for the so-called voluntary bodies to come up to standard. Mr. Speaker, Sir, I am sure that the Minister is already aware of conditions in Kenya here and there, but this kind of thing is very obvious, not to mention Kiamosi or Maseno, or any other place that is near the Minister's own home, but I do feel that the trainees themselves suffer so much, that it is time the Government should not mind even if it intervened, and I would not mind even if it meant that they were to be trained in a fever hospital, for example, Chegoria, or Maua, or Kikobo, and then make sure that those who are trained have been properly trained whether they stay in Meru or go elsewhere but to frustrate men and young girls on semi half-hearted so-called medical grounds through lack of funds then I feel it most unfair to the youth of Kenya for the future, as they think that they are needed.

Mr. Speaker, Sir, may I go further?

There are those who have been trained in these hospitals, then they are given half fees, and nobody cares what they do and as a result the Meru population complains about the inefficiency of these hospitals.

Secondly, Mr. Speaker, Sir, I would like to propose the nationalizing of all the hospitals in Kenya, if not in terms of money but with regards to the standards and everything. The Government must take a much more interest in making sure that the so-called self-appointed series of African body are not given priority to anything they like. Mr. Speaker, Sir, I would like to come to a very homely point. Mr. Speaker, Sir, I have known

cases, very sad cases, of the so-called self-appointed African bodies who had no inclination of what they were doing but just believed that God had sent them to do what they liked. Why next? Mr. Speaker, Sir, although I am very sympathetic to the attitude of the missionaries, I feel the missionaries should come up to the standard which is required. Why should it be the case that a missionary doctor does as he likes when a health officer, who is under Government, is controlled by regulations? Mr. Speaker, Sir, I would not like to labour on this one point for too long, but I would like to ask the Minister for Health to try and standardize whatever there is. Mr. Speaker, Sir, I speak for my own constituency, Meru Central and Meru generally, could the Government pay more attention to the health questions at Meru, and give more grants, we are taxpayers, and we would like more X-rays and more hospitals, and also Mr. Speaker, Sir, I think the Government should have a look at the hospitals in Meru and see what they can do.

The Speaker (Mr. Slade): I am afraid the scope of this Bill does not enable us to discuss hospitals or equipment for hospitals; it is concerned with the training, registration and enrolment of nurses and other professional people. So far as you have been dealing with training facilities in hospitals, that is relevant; but it is when you talk of the general need for more money to provide hospitals or to equip hospitals, that you get outside the scope of this Bill.

Mr. Mate: Mr. Speaker, Sir, I take your correction.

I would say I am very sympathetic and I do support the Minister for Health in the efforts he has made, but I do know that the particular cadre of the members of the medical profession who are concerned here have been in need of getting this kind of Bill passed. I do support the Minister with those reservations, but I would like the Minister to give the House a clear explanation of where the medical assistant and health inspector come in in this particular Bill.

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

Mr. Omari: Mr. Speaker, Sir, I also rise to congratulate the Minister for introducing this Bill.

I would also like to support what the hon. Mr. Ngala-Abok has said about the composition of this council. I feel that it is very important, Mr. Speaker, that the medical assistants should also be fully represented on this council because of the work which they are doing in the clinics and health centres throughout the country. I do not

[Mr. Omari]

think it is right for the midwives and health visitors to be represented on this council and to select the medical assistants whose experience in medical matters is wider than that of the midwives and health visitors.

Another thing I would like to say, Mr. Speaker, is about the Church having representatives on this council. I think it is right for the Church to have representatives, but at the same time I feel that some other medical institutions which are not subsidized by the Government should also have representatives. There are some clinics and hospitals which are run by groups of persons, and I think it is important that they should have a representative, so that they can air their interests on this council.

As regards the functions of this council, Mr. Speaker, it seems very clear that it is for the benefit of the health visitors, midwives and nurses. In clause 9 it is specifically stated: "The functions of the council shall be—(a) to maintain and improve the standards of the professions of nursing, midwifery and health visiting and to safeguard the interests of nurses, midwives and health visitors"; It is shown clearly here that one of the main purposes of this Council is to safeguard the interests of nurses, midwives and health visitors. These are not only staff to serve the medical services; there are these medical assistants also who work with medical services. So, if one of the purposes is to safeguard the interests of the midwives, nurse and health visitors, I do not see any reason why medical assistants also should not be represented, so that they are safeguarded and their interests could also be looked after by this council.

Another thing, Mr. Speaker, to which I would like to draw the Minister's attention is about the nurses in the medical profession. I think it would be fair if the trainees also were represented in this Council, because there are always complaints from the trainees in the medical services from all over the country that the conditions of employment and treatment in the medical training schools are not good enough. A few months ago there was a strike in the Kenyatta National Hospital, and the main reason for that, Mr. Speaker, was the treatment that the trainees were getting from the teachers. So I think it would be much better if we could get the trainees represented on this council, so that if they have a grievance they can mention it and then the council would go into it and try to settle it.

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

Mr. Kamau: Mr. Speaker, Sir, I think I have very little to say on this Bill, but I would call it a very unfortunate Bill which has come to this House before it has been debated by the Parliamentary Group. It is the case, Mr. Speaker, that most of the Bills which cause dispute in this House are those which should have been discussed by the Parliamentary Group to clarify the points which always bring argument here.

As regards this Bill, Sir, I think the Minister for Health should have looked very carefully and would even have been able himself to amend this before it came to the Parliament.

There is a point here which is very clear, Mr. Speaker. In Part II—Administration, it says, "There is hereby established a council known as the Nurses, Midwives and Health Visitors Council of Kenya which shall be a body corporate of perpetual succession and a common seal having power to sue and be sued and to purchase, hold, manage and dispose of land and other property . . ." This, Mr. Speaker, Sir, I call a political association because if the nurses are now going to be given a chance to own a piece of land, then it is going to revise the land issue. I do not see why this class of nurses should come to interfere with the land. The clause continues, ". . . and to enter into such contracts as it may consider necessary or expedient." We come to fear now that we are bringing a land issue in through the back door, to be a body corporate of medical practitioners who are supposed only to deal with the health of the people and have nothing to do with the land, nothing to do with any property. If I have read it correctly, this body was established somewhere in 1949. If that is the case, this was in the colonial days when the African nurses had no position at all. What I would advise the Minister to do is to forget this clause and establish a training centre where our womenfolk can qualify to become nurses of the African nationalism.

This is a fact to be faced. If we pass this Bill here now, Mr. Speaker, Sir, it means we are inheriting what we have been opposing, and, to that extent, I come to the point of opposing that clause very much because if we allow them to have any power to purchase a piece of land, to sue or to be sued, then we bring a political issue into the medical field. Therefore, Mr. Speaker, I would like the Minister, when he replies, not to overlook that point.

Another point, Mr. Speaker, Sir—and I would emphasize this very strongly—is that I support my honourable friend who spoke on the hospital assistants. These are the people who have been omitted from this Bill, who are playing a very

[Mr. Ngala-Aboki] nurses, who are going to dominate this council, will have an African opinion—an opinion of some usefulness, as far as what is going on now is concerned. Otherwise, this Bill will not serve its proper purpose. And when I become the Minister for Health—I know I may become one—I will make a complete check of the members of this council.

We want this council to serve the country. If we have registered nurses to represent us here, they will not be Africans. We have no African registered health visitor, no African registered midwife. Nor do we have many of these people with advanced qualifications in this country. We must now, however, forget a group of staff who could help even the Director of Medical Services, for example. One of his medical assistants is now working in Walji, but the Director, who is the chairman of the council, probably will not know. Probably there is one teacher. He may make a report but this report may not favour anybody in that field. So for the purposes of getting to know your staff, it is better that you distinguish between the most important group of your staff and bring them as near to you as possible.

I do not think the Minister is going to tell me that they are creating another Bill which will cater for the hospital assistants' interests. I do not think so. This is the Bill in which they could be represented.

Now, just going back to the definition of nurses, Mr. Speaker, I wanted to know whether the word "nurse" also includes the medical assistants, but it does not do that, as far as I know. I have explained the job of the nurse, and I do not want to repeat what I have said. I have also explained that although the medical assistant is trained in nursing, that nursing is just a part of his lesson. He is given more training in diagnosing, examining, treating, and even doing more advanced treatment than just mere washing and feeding of a patient and standing at the bedside, giving the doctors spoons and other things that the medical assistant or the doctor may want to use.

I do not think that, in regulating the syllabus for training which is now claimed to be the job for the council, I doubt whether a medical assistant like myself, like anyone qualified outside—how would a nurse regulate my training, if a nurse does not know how to diagnose tuberculosis with a stethoscope? How would this nurse regulate the training of a medical assistant? A nurse does not know what a hernia is, does not know what to do with a patient when a patient comes

in with one. If a patient does have that condition, the nurse just looks surprised and then rushes for the medical assistant to come and see. When the medical assistant has done the job, the nurse again is in charge of this medical assistant. She goes to give a very poor report which is now swimming here in medical head-quarters; very poor reports are given by nurses who do not understand the job which is done by a medical assistant in the field. There is too much disorganization and too much responsibility, because too much power is given to the nurses in the hospitals and they are causing a lot of disagreement among the staff there. This I know for certain and the Ministry of Health must start now acting very carefully to make provision for proper representation here.

Now, Sir, let me not be misunderstood here. In criticizing the Bill, I do not underrate the duties of the nurses, but I would like to question how a nurse would represent a medical assistant, who is a physician, a surgeon, a nurse, a health visitor and a midwife? How could a midwife, for example, represent such a person? For a long time now there have not been African midwives and in many cases, in hospitals these medical assistants have been helping people to have babies. It is going on even now. How could a midwife then represent him? Even the health visitor who is giving lectures, does things which many of my friends may not know. These things are being done by medical assistants. If you look at their salary and the conditions under which they work, they pretend to be holding very high positions when they walk majestically in the hospitals, but when you look at the nursing service which is led by nurses from overseas, then the Africans who have done so well cannot be represented here.

We want the Ministry to be very, very careful. I would like, however, to congratulate the nurses and the midwives from overseas, who have served this country very well. Nevertheless, they are not going to stay in this country for longer than one year, and this Bill must establish bringing the Africans in. If somebody, or one of you, went to the Kenyatta National Hospital now, he would not be able to find an African sister; he would be able to find the little ladies in pink dresses, who are undergoing training, and they are taught by the other nurses. They get very, very biased lectures which are given by these nurses, because some of these nurses are not prepared for the African nurses to replace them. Now, they want to get a rule here where they would be the same as a Minister. The Minister would have to understand the meaning of these things.

Mr. Omar: On a point of order, Mr. Speaker, Sir, is the hon. Member right in alleging that the Minister does not understand?

The Speaker (Mr. Slade): I do not know whether he is right or not, but he is not out of order.

Mr. Ngala-Aboki: Mr. Speaker, Sir, I do not want to say that the Minister does not understand, but what I would like to say, is that the Minister did not notice that this Bill is meant to restrict that interest, because if I am excluding a Bill in which it was to be represented, the fact is that it is meant to harm me one way or another. When the Minister was presenting this, then I think he should have known that in Kakamega there is a medical assistant there, at the home town of one of the Minister's, who is his doctor and who has been treating children and he does not think that by bringing these which represent an African midwife, that they should be registered ones. I think that the word "registered" should be underlined. The registered ones who are not assistants, are the only ones who are represented here.

Now, these medical assistants with all their problems, with all the doctors' duties they do will be starting in the areas that they represent. Who will bring the interest in the country here up to date? Nobody. This is what I am querying very, very strongly, and I would like the Minister to explain it.

Now, there is another important point, here. I think that I have only the strongest objection to that particular clause, because all these other terms are not all that bad, but I just want the Minister to answer that one, and to answer it positively, because I do not want to repeat myself. I just want this Bill to succeed, and in reading this Bill to succeed, it does not mean, but if the Minister does not say whether the medical assistants are not going to be represented here; then we can sabotage this Bill at the Committee stage, because we have emphasized the importance of this particular Bill, and we have every opportunity and every right to do something about it at the Committee stage.

Thank you very much, Mr. Speaker, Sir.

Mr. Mate: Mr. Speaker, Sir, in congratulating and supporting the Minister for Health in bringing this Bill, I would like to make one or two remarks.

I support my friend, Mr. Ngala-Aboki, who spoke before me, in that the medical

assistants and the health inspectors are not included either directly, indirectly or by implication and I think that it is only logical that the Minister for Health should be very clear and tell this House where these two categories of the medical people belong.

Mr. Speaker, Sir, I think we should be historical. As the former Minister for Health, I am only too sympathetic, for the Minister for Health that we must be historical. The training of the medical people in Kenya has been haphazard. The Government, or whoever started it, had to have someone to assist the qualified men and the African, because he was not qualified then, was not able to qualify for the clear-cut positions like medical practitioners. I know that the following Minister, as it so happens, arranged that we have all these graded nurses, medical assistants, health visitors and such things. I do not know anything that could really hamper the passing of this Bill, but I feel that the House should be historical, Mr. Speaker, Sir, and particularly the Minister.

I have only one clause of the Bill that generally hampers the problems which are facing the African population of Kenya today, or the Kenya nation, because of what we have inherited, and although it is not the fault of the Minister, this should be looked into. I would like to refer myself particularly, Mr. Speaker, Sir, to the so-called non-Government hospitals of the medical facilities in Kenya, particularly the so-called Mission Hospitals.

The missions in Kenya, I do not mind what denomination they are, Presbyterian or Catholic, have contributed considerably to the progress and the health of the African people, but I wonder whether Government is aware of the kind of training given to the staff and the trainees of the Mission Hospitals throughout Kenya, it is so inadequate, partly because they are voluntary bodies who are looked down upon, by Government, as a matter of course, and with this they feel inferior. Again, the funds at their disposal are not adequate enough to be able to do what the country would like, as a result they do it, but, whatever they do, they do it half-heartedly. To quote a perfect example, I am sorry, Mr. Speaker, Sir, but I am being very parochial, but I shall quote Meru as an example.

We have three important hospitals in Meru, at Kikobo, Chogoria and Maua, which are Mission Hospitals—Presbyterian, Catholic and Methodist—and we have also the Meru Hospital which is Government. I give them every credit for what they are doing or trying to do, but Mr.

[Mr. Ngala-Abok]

advised to explain this before just putting forward the Bill superficially to the House, for the lay Members of this Parliament who may not very much know what these terms mean.

Now what is important here, Mr. Deputy Speaker, is that the council is mainly meant for registered nurses, registered midwives and registered health visitors, but I wonder about this, because within the nursing field, there are groups of people whose jobs, although nursing is mainly concerned, are quite different from those which are performed by the registered nurses in the hospitals and the enrolled nurses. This group is that of medical assistants and clinical assistants.

I can see here, just mentioning clauses now, the membership of the council which is in clause 4. I do not have any quarrel with the Director of Medical Services being the Chairman, and the Matron-in-Chief, but I would like to see here the medical assistants also represented on this board, because I can see here that in clause 2 it says there will be three medical practitioners, being members of the Medical Association of Kenya, nominated by the Association, of whom one shall be engaged in obstetrical practice and so on.

Now here is the question. There is going to be a standing committee for health visitors on this council, there is going to be a standing committee for midwives on this council and there is going to be a standing committee for nurses on this council. But where is the standing committee for the medical assistants? We must include the medical assistants here. This question of enrolled nurses including medical assistants does not convey what the hospital assistants are actually doing. We all know them in the field, we see how they work, we know that they must have a definite place on the council. It is important that they have this definite place on the council and they must be represented on the council through their association. The medical and clinical assistants have an association which is functioning very well and I hope the Minister will be kind enough to ask this group to be represented on the council, so that the Minister could be informed of the various jobs which are being carried out by the medical assistants themselves.

I wonder how the Minister would get the representation from this particular group, because this group works in various places, and sometimes they run small districts, they run big health centres and they have got different difficulties and problems which cannot be represented by the nurses, who are mainly confined to provincial and district hospitals. How could the nurses represent the medical assistants of whom, for

example, one is now running Wajir, one is running Nandi Hills, and others are running other places. How could the interests of this particular group of staff be represented on such an important council which is going to look after the interests of the entire medical service? We see here that the doctors are represented, the nurses are represented, in the council, and so are the health visitors and the midwives, so what about the medical assistants? One could not convince me that the medical assistants are covered in this Bill because that is not so. This Bill is meant to cover the interests of this particular section of the staff and their interests cannot be just that of enrolment.

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

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

The fact that someone has a certificate of enrolment does not mean that this Bill is going to cater for him because his work is not the same as that of the enrolled nurses, his staff consists of assisting doctors or replacing doctors when there is nobody else, or at least doing the jobs that the doctors usually do; but because of the shortage of doctors you find that they are performing these duties very well.

Mr. Speaker, I am not claiming that the medical assistants are doctors but I am saying that they do a lot of work, because even our Ministers and the very top officials of the Ministry of Health, when they go to their homes, the only doctor who looks after them is the medical assistant. Now the problems and the interests and the frustrations of these people cannot be represented by the nurses. This is the argument. The nurses will not even give an intravenous drip, in other words, food through a puncture. A nurse is not allowed to do a lumbar puncture on a patient, in other words, drawing off fluid from his spine. A nurse will not even introduce a tube to feed a patient, which is complicated. A nurse will not examine, diagnose and treat a patient. A nurse's duty is to wash a patient, make the beds, see to the patient, see he is comfortable and look after the nursing side of the business. This is the expert knowledge which a nurse has to use in all circumstances and this is what they are doing. But the work which is done by medical assistants is actually to be a little doctor, to do a little doctoring. And I do not see how the nurses could represent these people on a council like this.

So I appeal to the Minister to consider getting the Medical Assistants' Association to recommend a number of members, at least two

[Mr. Ngala-Abok]

or three, to represent it on this council here, which is a very, very important council. Otherwise I have no quarrel with the Bill, because it is important, it is timely and I would commend the Ministry for bringing the Bill to this House.

But for a very long time, this particular group of people, the medical assistants, have not had a say in the affairs of the Ministry of Health. And I wonder when they are going to have a say. Just now, the Director of Medical Services who has been Africanized, or replaced, by the present Director, when he was working in Kakamega District, as medical officer of health, gave a complete recommendation and made a comparison of the training received by the medical assistants at the Kenyatta National Hospital and that one received by the overseas nurses in the British colleges and schools. He said that the duration of the training here at the Kenyatta National Hospital is longer than that received by the nurses overseas; and even the lessons and lectures they are given are also given in greater detail than those overseas. And when these people pass out from the training centre here, they are engaged, more or less, in doctor's work, which is quite different from what the nurses are doing.

Then you find that from time to time these people are subjected to pressure from the nurses, which is a point of very great disagreement between the hospital assistants and sisters. Sisters have no regard for people whom they ask to come and see a patient. You would be surprised to see a medical assistant rushing with his stethoscope, as a doctor, going to examine a patient, when a nurse is standing, because a nurse has no knowledge of examining or doing anything. I think that these medical assistants are teachers from overseas, who have no knowledge of tropical diseases, who have no knowledge of the routine that has to be carried out in Africa here. After being here for some time, they boast and they never care about the position of these people.

These people are trained for four or five years, they are sent into the field and are most helpful. So we must see them represented on this council. If this cannot be done, then the intentions behind the council are not good.

I have set out my argument, Sir. I have explained why they should be represented here, and there is no doubt that the Minister is going to answer this one because this is the point at which I want to dwell very much. Since the Medical Assistants' Association was formed in

the late 1950s, they have been trying to get one single designation which would signify and explain what duty these people are doing. One would be surprised to see a very important official of the Ministry of Health saying that the name "medical assistant" or "clinical assistant" is interchangeable, and he could even call them nurses. Good. Why not call them nurses and let us see if they leave all the medical work they are now doing. We will see what happens when they concentrate on making beds and washing patients; then we shall see who is going to run the health centres they are running now. We shall see who is going to examine the patients. If anyone went to Kisii now, or Bungoma, or South Nyanza or any of these districts, he will not find a single doctor. If there is one doctor, this doctor cannot deal with patients. The nurses merely speak abuse and cause a lot of stubbornness in the wards.

We want these people to be represented here so that nurses could be taught a lesson and could be told to behave. I am not against the nurses, Mr. Speaker, far from it, because they are performing a very useful duty. But this is what the Ministry is going to notice. The Ministry is going to see that the registered nurses, who are supposed to be represented on this council, are all overseas staff, expatriates, because we have no African registered nurses in this country. This Bill is purely an expatriate Bill. British nurses and Asian nurses are going to be represented here because they are the only registered ones. We are going to get registered midwives who are purely overseas staff, who are working here. We are going to get registered health visitors who are also purely overseas staff. And then we may get practising doctors, of course, from the doctors' association, but I doubt whether there will be many African doctors. Here we may get African dentists or African representation, which is terribly important. It is most unwise for a Minister of this Government to create a council which is purely represented by overseas staff, who will always look after their own interests in this country.

I want it to be noted that I am not against anybody but this council, which I have no African advice; all it will do is manoeuvre and maintain the sort of people who are now to be Africanized and as soon as possible. This council is going to entrench the position of these people. So we would like the medical assistants, who are the only Africans who can voice something in the field of nursing and in the field of simple medical work, to be represented on the council so that the nurses here, the overseas nurses, the expatriate

[The Minister for Health and Housing] Nurses and Midwives Council, laid down the constitution of the council and provided for the setting-up of a register of nurses and midwives, and also a roll of assistant nurses grade one and grade two, and assistant midwives. In 1940, further regulations were made under the Act which set out the conditions of approval of hospitals as training schools for nurses and/or midwives, and the course of training to be followed in each case. These regulations also provided for the establishment of a single qualification of enrolled assistant nurse to replace grade 1 and grade 2 assistant nurses.

With the expansion of hospital and health services and the changes in the Government of Kenya it became obvious, even before independence that there was a need to provide further courses of training under the authority of the council and to reconstitute the council on broader lines.

The Bill now before Parliament proposes a reconstitution to give representation to all three groups of professional persons, nurses, midwives, and health visitors—

The Deputy Speaker (Dr. De Souza): There is too much talking in the Chamber.

The Minister for Health and Housing (Mr. Otende):—and to ensure that the people engaged in teaching and training these people are responsible for the administration of the institution in which that training is connected and that they are adequately represented.

Up to yesterday there has been no provision for information on the qualification of the registered or enrolled Health Visitor, by the Nurses' and Midwives' Council. Furthermore, the Bill provides for representation from the Ministry of Education, the medical profession and the local government authorities in Kenya.

By including the registration and enrolment of persons engaged in public health services as health visitors the Bill makes possible closer integration and co-operation both in training and in practice between nurses, midwives and health visitors, for the mutual benefit of the workers of the service.

It has been proposed that the word "assistant" be removed from the title of enrolled nurse and midwife and also from health visitor, because it is felt that these persons are qualified in their own branches and while their training is less advanced than that of the registered nurse, midwife or health visitor they are carrying out the duties of trained persons within a limited field.

From the professional point of view, the objectives of the Bill are to maintain and further improve the standard of training and practice of nurses, midwives and health visitors in that the individual and the services of the country will benefit thereby. With these remarks, Mr. Speaker, Sir, I beg to move.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I just want to say a few words in support of this Bill.

The introduction of the Bill is most welcome. One of the things I would like to do, is to congratulate the Minister for having seen fit to preserve the democratic principle of electing representation to the council. Clause 4 of the Bill, that is D, E, and F, empowers the nurses, midwives and health visitors to select one among themselves to represent them in the council. This is the best way of dealing with the situation, and still have the interests of the people adequately represented. I am glad that the Minister did not think it fit to take these powers away from the nurses, midwives and health visitors by trying to nominate or appoint people among them, by himself.

Another thing, Mr. Speaker, Sir, I would like to point out at this time is that the Minister has gone a long way to do what, perhaps in the past, the previous Government has failed to do: that is, I am, Mr. Speaker, referring to clause 22, whereby disciplinary action or powers are vested within the council, the Minister has been wise enough in this case. Because, in the past, such Acts used to be referred to him where the nurse or midwife, whose name has been removed or cancelled from the register or the roll could appeal to the Minister whose decision would be final. Mr. Speaker, Sir, I am glad to note that the Minister in this case did not keep this power solely within his hands, which would make him the final judge in any matter of this type. I am glad that under clause 25 he has given powers of appeal to the Supreme Court for any person who feels that he has been aggrieved by the decision of the council to appeal to the Supreme Court within three calendar months from the date of the decision of the cancellation or the removal of their name from the register. I believe that this is the best way to maintain the professional standard, by having a Judicial body to make a final decision on the profession of a person. We know that in the past very many, or quite a good number of African professional persons have suffered at the hands of the Ministers because they had the power to decide what should be done in such circumstances. It is very gratifying therefore, Mr. Speaker, Sir, to see that

[The Assistant Minister, President's Office] friend the hon. Minister for Health and Housing has seen fit to bring in the Supreme Court in this matter, whereby the aggrieved parties could appeal.

Mr. Speaker, Sir, clause 19 of this Bill deals with the offences of persons conducting training courses or examinations without authority.

In Kenya today, we are facing a very grave situation where there is a very great lack of training and educational facilities. Some people who have failed in business are trying to exploit this situation we have today in many parts of the country. There are some Asian traders who are now exploiting this situation. They put up schools, certain institutions for the purpose of winning people in certain courses.

I hope that the Minister will be on his guard to see that no such unscrupulous persons put up institutions to try to train nurses, health visitors and midwives. As a matter of fact, some of these people, as has been seen in the field of general education, go a long way by setting their own examinations and issuing certificates. And, of course, the holders of such certificates do not benefit from them at all. This is something which we must guard against and we must not allow the standards to fall.

I hope that by introducing this Bill the Minister intends to maintain the existing standards, and, as a matter of fact, to increase the efficiency and the competence of our nurses, midwives and health visitors.

The idea of establishing the council is most welcome; the idea of preserving the democratic principles I have referred to in the legislation is also welcome. Mr. Deputy Speaker, I have only one plea to make to the Minister and that is to safeguard against the falling of the standards, particularly if there is not sufficient control from him, although if there is too much control, that again will render the purpose or the principles I have already mentioned more or less futile.

On the whole, Mr. Deputy Speaker, I have nothing further to say except to support the Bill and the Minister for introducing it in this House.

(Question proposed)

Mr. Ngila-Ahok: Mr. Deputy Speaker, Sir, I think first of all I should congratulate the Minister on the introduction of this Bill into this House. I know that this Bill is so useful to this country that if my colleagues were willing to contribute in debating this Bill the country could be helped a great to know what this Bill is meant to convey and what it really is about. I do not

know what it is in the mind of the Minister in introducing this Bill, but apart from congratulating the Minister, I would like to oppose certain clauses in this Bill and ask the Minister to review his decision in asking for some of these clauses to be approved by this House without taking into consideration what is the actual set-up of his Minister, as far as the nursing staff, midwives and health visitors are concerned.

I know many of the terms used in this Bill may not be followed by my colleagues, but I would like to ask the Minister to attempt, in the first place, to explain what the word "nurse" means. It is no argument as to what a nurse means in terms of seeing a person moving in a ward, as we generally see such a person, but for the purpose of classification and for the purposes of this Bill, the word "nurse" alone must have a place, because as far as I can see, there is an explanation here, stating that a registered nurse, and not a simple nurse, but a registered nurse, is that person whose name appears in the register kept by the Registrar under section 12 (1) (d) of this Act, which is also just a list of names. This is the explanation of "registered nurse". The same applies to registered midwives and registered mental nurses, but I know my colleagues would like to know what the definition of a mental nurse is. Is a mental nurse dealing with only mental cases or can this nurse deal with other cases as well.

I think for the administration of this Bill, it is important to let the House know, and also to specify in the Bill, what a mental nurse is. And also a midwife. It is also better to clarify in the Bill what a midwife means and how the midwife works. But the word "registered", "registered" in every case really does not convey very much sense as far as this Bill is concerned, because we know that it is claimed that a registered nurse is one who is more qualified than an enrolled nurse. That is understood as far as that goes. But what makes this nurse better than the other nurse, is the word "registered" alone, or good training. What standard of training has this nurse got? Why does the Bill not explain what sort of training is given to a nurse which makes this nurse so important that she must be represented on a board or council like this one.

I just want clarification on the actual titles used in the Bill, that is, what is a nurse, what is a midwife and what is a health visitor; how their jobs differ and how they are going to be used, with regard to this Bill, when we have already heard or read, or when the Minister has explained, in each case what the titles in the Bill mean. I think the Minister would be well

Mr. Jahazi: Mr. Speaker, I must first of all congratulate the Attorney-General for his wise move to cut our connexion with the former colonialists, Britain, and to have an independent body which would approve these trade marks, but I hope, when the Attorney-General replies, he will clear a few points which I would like to raise.

I would like to know whether it means that by cutting the connexion we shall nullify all the existing trade marks which were first approved in the United Kingdom and in Kenya, or whether a local manufacturer with some sort of inferior quality of goods could copy a trade mark used by the British or other manufacturers and trade his goods under the same trade mark. For instance, if the Aspro trade mark was approved both in the United Kingdom and here, I would like to know whether a manufacturer here could use something which is not actually Aspro and could copy the trade mark used, or with baby food, such as Cow and Gate, whether he could put a baby trade mark with the crown of Cow and Gate; and although these goods would be inferior, under the advantage created by the Attorney-General he could copy any trade mark to try to exploit the good name of the overseas manufacturers, so that he could push his inferior goods on to the people.

Mr. Speaker, when the Attorney-General replies, I would like clarification on how the new Bill will work, whether the existing trade marks which were first recognized in Kenya and Britain would still be recognized and only new ones, which will not look like those which exist today on the goods which are commonly sold in the shops, will not be affected.

Mr. Speaker, with those few remarks, I beg to support.

Mr. Gichuru: Mr. Speaker, Sir, I think I have just a mere addition to what the hon. Specialty Elected Member, just put forward, but I would like to put it in a slightly different way.

Under the old arrangements, we used to have goods sold here in a particular name, a trade mark which was registered both in Kenya and the United Kingdom. I am querying whether duplication could not be allowed to continue here, or otherwise, with the approval of the already established industry with its own trade marks, a similar one could produce such goods in Kenya; whether the same trade mark could be used with a statement that it is by courtesy of the original company or original firm which introduced that trade mark. We might, say, be manufacturers of the Parker pen: the Parker 51

or 61. If they are British or American made, and it happens that our Minister for Commerce and Industry, being smart enough, introduces a industry for Parker pens, we could use the name Parker, made in East Africa, but with the approval of the Parker Company which has a trade mark registered under their own seal.

With the abolition of the facilities that used to connect the former Kenya and the United Kingdom with the achievement of a republic, I do not think there is very much need to change certain things because we are a republic. I thought facilities could be extended, so long as we are members of the same sort of organization, the Commonwealth of Nations, equal partners, and we stay good friends. These types of trade marks which are registered in Britain and whose goods are being sold within East Africa could surely use the same trade mark within Kenya, a trade mark could be used by a local company here not with the approval of, but by courtesy of—because arrangements do exist—with the original company. We could do it like that, rather than abolish the whole thing. Instead of having Aspro, for example, we might call it Dispro, which would mean the same thing, and doctors would say that Dispro would be equal to Aspro, in terms of its effect. That means something which has already been approved and accepted by people as a medicine gets a per name and one gets confused as to whether Dispro or Aspro is the better.

This confusion comes about because we have yet to establish our own standards. The new companies are coming up, they have their own trade marks registered in the registrar of companies office here and, consequently, they are hand in hand with existing trade marks. For example, we have the trade mark of Cambridge University. It is a commercial institution although academic, but we pay for the students who go to sit for this examination, although it is a trade mark of the University of Cambridge, not the University of East Africa. If those facilities could be used here effectively and nicely, I do not see by the reason why we should not still continue with some of the existing arrangements in terms of trade marks.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I have only two points to answer, raised by the hon. Mr. Jahazi and supported by the Member for Gichuru.

The first point is to say Yes and that the registrar kept by the registrar of trade marks in Nairobi will be kept and those trade marks which are on the register will remain and will be protected by law. What this amendment intends to

[The Attorney-General] help us to do is that we can register new trade marks in Kenya in Nairobi here, instead of them having first to be registered in London and then to do double registration in Nairobi.

With those few words, Mr. Speaker, I support.

(Question put and agreed to)

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

The Speaker (Mr. Slade): I think this would be a good moment, Mr. Gichuru, for you to make your statement.

MINISTERIAL STATEMENT

CUSTOMS DUTIES

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, the purpose of this statement is to let hon. Members know that certain changes in the rates of customs and excise duty will come into force with effect from midnight tonight.

Hon. Members will, I am sure, not be surprised to learn that these changes are in an upward direction. Full details are given in the Provisional Collection Order and Customs and Excise Tariff (Amendment) Bill, which are being published this evening. I hope when I have finished you will find them in your pigeon-holes.

The main changes are, one, an increase in the assisted and general rates of customs duty from 14 per cent and 25 per cent to 15 and 30 respectively. It is not as bad as all that, perhaps if I put it this way: from 12½ per cent to 15 and from 25 per cent to 30. So it is not all that high. There are some consequential amendments of certain rates of specific duty. Secondly, there is an increase in the existing protective rate of 3½ per cent to 37 per cent. Thirdly, the creation of a new tariff item, 70a, extends the duty to all sewing machines other than those imported primarily for industrial purposes, such as for a factory, engaged in the manufacture of shirts. Duty is already charged on sewing machines imported by housewives. Fourthly, there is an increase of about 10 per cent in the customs and excise duty on cigars, cheroots, cigarettes, and manufactured tobacco. Fifthly, there are new provisions covering the arrangements for refunds of duty to diplomatic missions and certain international organizations.

The general increase combined with the small addition to the present duty on tobacco and cigarettes, will give the Government a modest amount of additional revenue on a very large number of items without seriously affecting the

level of prices. I am advised that the Nairobi wage-earners' index and the middle income group index would not rise by more than one point. The total effect of the increases will be to produce in a full financial year additional revenue of approximately £1 million. The reason for introducing these changes now is partly because we need the money to meet the cost of our Supplementary Estimates and to make good part of the shortfall in the estimated receipts from the export tax on sisal. You will remember the price of sisal has gone down.

Another is to defeat speculation which has been indulged in in the past by traders who stock up with commodities which they expect to rise in price as a result of additional duties imposed at the time of the Budget.

In relation to the 1965/66 financial year, hon. Members will be aware that these measures and the income tax changes which have already been announced will provide in additional revenue of only a little more than £1.25 million which we received as a grant from the British Government this year and which we will not receive in the 1965/66 financial year. It will, therefore, be appreciated that I will have further taxation proposals to bring forward at the time of the Budget.

Similar changes in taxation are being announced today at about this time by the Uganda and Tanzania Governments. I do not wish, at this stage, to anticipate my Budget statement, but I can say that I am confident that I will be able to present a balanced budget in June and that in 1965/66, for the first time since 1952, we will be meeting all our recurrent expenditure from our own resources.

BILL

Second Reading

THE NURSES, MIDWIVES AND HEALTH VISITORS BILL

The Minister for Health and Housing (Mr. Ottende): Mr. Speaker, Sir, I beg to move that the Nurses, Midwives and Health Visitors Bill, 1965, be read a Second Time.

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

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

The first nursing registration in Kenya was made in 1949, under the heading of Nurses, Midwives Registration Act. It made provision for the training and registration of suitable persons as nurses and midwives. This Act established the

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Civil Contingencies Fund (Amendment) Bill and its approval thereof without amendment, and the consideration of the Food, Drugs and Chemical Substances Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Reports and Third Reading

THE CIVIL CONTINGENCIES FUND (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to move that a Committee of the Whole House has considered the Civil Contingencies Fund (Amendment) Bill, and approved the same without amendment.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the Civil Contingencies Fund (Amendment) Bill be now read the Third Time.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

(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 FOOD, DRUGS AND CHEMICAL SUBSTANCES BILL (BILL NO. 50)

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Food, Drugs and Chemical Substances Bill and approved the same with amendment.

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, with the leave of the House, I would like to take the consideration of Report now.

Mr. Shikuku: Mr. Speaker, Sir, I just want to seek your guidance on this, whether any hon. Member can speak.

The Speaker (Mr. Slade): On a point of order, as regards taking the consideration today or tomorrow.

The position is that normally, if a Bill is amended in Committee, we do not consider the report until the next day. With the leave of the House we take it the same day.

If you object, Mr. Shikuku, then you can say your objection.

Mr. Shikuku: Mr. Speaker, Sir, I object.

The Speaker (Mr. Slade): That is all right, we will take it tomorrow then.

You can give a reason for your objection, if you like.

Mr. Shikuku: Mr. Speaker, Sir, I have reasons for that. I have something in the Third Reading which I wish to raise, particularly when it comes to the question of cosmetics, because I have some instances—whereby—

The Speaker (Mr. Slade): I think it is enough now, Mr. Shikuku, to say that you have matters to raise on the Third Reading.

Mr. Agar: Mr. Speaker, Sir, is it in order for the hon. Member to say why he objects to taking the consideration of report today?

The Speaker (Mr. Slade): Yes, when the question is by the leave of the House. That means that no single Member objects.

Other matters are subject to order of the House, that means an ordinary majority resolution, but if our Standing Orders or practice says that nothing can be done without the leave of the House, nothing can be done without the leave of every single Member who is present at the time.

(Consideration of Report ordered for tomorrow)

Second Reading

THE PENSIONS (AMENDMENT) BILL

QUORUM

Mr. Odero-Sar: On a point of order, Mr. Speaker, Sir, I wonder if we have a quorum?

The Speaker (Mr. Slade): No. Will you ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the Pensions (Amendment) Bill be now read a Second Time.

The main object of the Bill is to legalize the payment of pensions and gratuities to officers who have retired or who retire in accordance with the provisions of the limited and general schemes of retirement. The details of the schemes were laid on the Table of the House of Representatives on the 10th September 1963. The main object of the limited scheme of retirement, which was introduced with effect from the 20th July 1961, was to permit non-designated officers, serving on overseas leave terms, to retire voluntarily if their posts were required for the localisation of the Civil Service, or they were habitually superseded for promotion as a result of the Government's localization policy. An offer whose option to retire under the scheme was accepted by the Government, was entitled to receive payment of his earned pension, plus in addition to his pension. He was also entitled to commute up to one-quarter of the earned pension and additional pension at the actual age factor provided in this scheme. The general scheme of retirement, which came into effect from the 1st June 1963, contains the following provisions: one, the right of any non-designated officer serving on overseas leave terms to retire voluntarily if due notice was given and to receive his earned pension without any addition thereto. Two, where an officer retires as a result of his being superseded on the grounds of Kenyanization, or where an officer is compulsorily retired on the same grounds, of Kenyanization, redundancy or age, he is entitled to receive any earned pension and additional pension. Three, all officers retiring under the scheme, whether voluntarily or compulsorily, are entitled to commute up to one-quarter of their pension plus additional allowance, where applicable, but the actual age factor is provided in the scheme.

In addition to the amendments arising from the general and limited scheme, the Bill proposes to introduce certain other amendments to the Pensions Act, which are unconnected with those schemes and which have been found necessary. They are designed, firstly, to enable public officers to transfer from the service of the Government to the service of local authorities in Kenya, and vice versa without laws of authorization rights.

Secondly, to remove the necessity, under the existing law, of the frequent publication in the

Gazette of lists of pensionable officers and offices which are fit to be pensionable.

Thirdly, to clarify, beyond doubt, that pension or any other allowance awarded under the Pensions Act shall cease on the date of the death of the person to whom it was awarded, and fourthly, to rectify certain anomalies which have come to light, in relation to the existing provisions governing the payment of compensation under the Act.

Mr. Speaker: Sir, I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

(Question put and agreed to)

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

Second Reading

THE TRADE MARKS (AMENDMENT) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, this is a very small amending Bill. hon. Members, of the Trade Mark Act. The registration of trade marks in Kenya, as hon. Members may know, is governed by the Trade Marks Act (Cap. 506). Although registration is undertaken here by the Registrar-General, the existing registration, in a number of respects, ties us to the registry of trade marks in the United Kingdom. At present, a mark registered as a distinctive mark in the United Kingdom, is deemed automatically to be a distinctive mark for the purpose of registration under the Kenya Act. I mean that the trade marks to be used on textile and metal goods have first to be registered in the United Kingdom, before they can be registered in this country, by the registrar of trade marks.

A further point is that the strengthened legislation provides for reciprocity with foreign states with which the United Kingdom has made arrangements for the mutual means of protection of trade marks. These provisions clearly, can no longer be allowed to remain, in the light of the country's independence, and the present Bill seeks to make the necessary amendments to bring the Act into line with our Republican status.

With those few words, Mr. Speaker, Sir, I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

[Mr. Mulro]—

Therefore, Sir, I support the amendment as proposed by the Member for Gichugu and as amended further by the Minister.

Mr. Gichugu: Mr. Chairman, Sir, I do not have objections to having a second Asian within the board, but I would be strongly opposed to having the industry represented as an industry. Luckily enough, the Minister has put it clearly that it is not the industry which is going to be represented, but we will have the knowledge of a man who has been in the industry for a certain period of time and who is needed to serve on the board. So long as that is the case, I agree with the amendment.

But in connexion with the point where I said that we should have the Matron of the Kenyatta National Hospital, there should be no mistake over this one. I do not mean a particular matron, no; I am talking in terms of the very position which exists there, one of the very senior positions held by one of the topmost servants of the public, in terms of health, for a number of years, which means that this woman is a matron. So the question of replacing the Matron of the Kenyatta National Hospital I cannot agree with, unless I am given a very good substitute to assure me that the matron will always be within the board, plus another person who will take the place of this Chambers of Commerce man. I am not in agreement with the proposition that one member shall be nominated by the Association of Chambers of Commerce of East Africa, and I want the Minister to tell me that these Chambers of Commerce will no longer have a representative and that somebody dealing with health will take their place; or perhaps a Member of this House could be co-opted—though perhaps that is not the right word—by virtue of his position as a Member he should be retained as being a member of that board with a voting right, not just merely being nominated without a voting right. On that one, I agree entirely with the Minister.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I just wanted to say briefly that I think my hon. friend opposite perhaps missed the point of the Minister's remarks on the matron. I think the Minister did say definitely that he would prefer a lady to be there but I think it would be wrong to specify who that lady should be. And since he has promised definitely that there will be a lady with enough qualifications I support him on that.

Mr. Gichugu: I think a confusion has been brought forward by the Finance Minister. Here what concerns us is that we should be assured

that in that particular institution, the board, there will be somebody who has been dealing with our health, and that is actually why I say she should be there. Now when the Minister says that the question of the Matron should not come into this, let us hear from him whether the leader of the *Maendeleo Ya Wanawake*, which deals with the well-being of the children of this country, the well-being of our own houses, should be the person to replace this matron. The other alternative is that instead of having this *Maendeleo* lady we should have a Member of this House, and it should be put clearly: Member of the National Assembly.

No, the feeling seems to be that you do not need a lady. It is very unfortunate, because they are the people who really do things for us. However, let us understand from the Minister for Health that a Member from this House will definitely be included, and this will, of course, amount to guaranteeing that this Member must also have a very close link with those who are dealing with health arrangements, whether it be the *Maendeleo Ya Wanawake* movement or some other body.

Mr. Warlith: Mr. Chairman, I fail to understand what my colleague, the hon. Member for Gichugu, is labouring for. If it is a question of ensuring that in this Board we have people who are concerned with our health, under 2 (g) the Chairman will be the Director of Medical Services, or a person deputed by him in writing for the purposes of this Act: The Vice-Chairman will be the Chief Health Inspector; Ministry of Health and Housing. Now, these persons—if we want to forge ahead in this country as far as the health of its citizens is concerned—are the people directly concerned. Now, if you have a matron, or whoever the hon. Member is labouring to put on this board, as far as I can see, there is no need for this person whatsoever. If you have these people who are very highly trained, very concerned with the health of our people, I do not see the need for a matron to be included.

I would agree with the Ministry that under (d) we retain this expert to represent the food packing industry; and I am quite happy that the Minister has agreed with the hon. Member that under (e) we delete the member representing the Chambers of Commerce, and include in its place a Member of this House. But I fail to understand why Mr. Gichugu is particularly keen on his idea. If I understood him properly, and he is only concerned with a person dealing with health, I do not think he should have any say if he looks at the composition of this board.

Bill—in Committee—

The Chairman (Dr. De Souza): I will put the question in two parts and I think I will put the positive side of it, as it were, later on.
(Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted put and agreed to)

The Chairman (Dr. De Souza): Now, I will put the positive part in two parts again, and the Government amendment to the amendment of Mr. Gichugu, the Member for Gichugu, and that is that clause 27 (2) be amended to read that it is that right? Yes, in place packing industry". Is that right? Yes, in place of the words proposed by Mr. Gichugu; namely, "one member representing the Parliamentary Group". I might as well explain to Mr. Gichugu that the Minister has accepted one Member of the Parliamentary Group under section 27 (2) (d).

(Question of the amendment to the amendment that the words proposed to be inserted in place thereof be inserted proposed)
The Chairman (Dr. De Souza): I will now put the second part of the question, that the suggested amendment to clause 27 (2) (g) be amended by deleting the words "the Matron of the Kenyatta National Hospital" and inserting in place thereof "one Member representing the Parliamentary Group".

The Attorney-General (Mr. Njonjo): Is that the right terminology, or should it be "Member of the National Assembly"?

The Chairman (Dr. De Souza): Well, I only read the amendment as proposed. Are you amending your amendment, Mr. Gichugu?

Mr. Gichugu: I think I would rather accept the wording "the Parliamentary Group". "National Assembly" is very general. All right, but excluding a Minister.

The Chairman (Dr. De Souza): Well, a Minister has formally got to propose that amendment, if the Attorney-General would like to, because any other Member must give written notice. No hon. Member can propose an amendment without notice; the only person who can do so is a Minister. So if it is suggested to amend the amendment as suggested by Mr. Gichugu, the Minister will have to propose formally that clause 27 (2) (g) is to be read as follows: "one member representing the National Assembly of Kenya".

The Attorney-General (Mr. Njonjo): I do so now.

(Question of the amendment to the second part of the amendment that the words proposed to be inserted in place thereof be inserted put and agreed to)

(Question of the amendment as amended put and agreed to)

(Clause 27, as amended, agreed to)
(Clauses 28, 29, 30, 31, 32 and 33 agreed to)
(Clauses 34, 35 and 36 agreed to)

Clause 37

The Minister for Health and Housing (Mr. Otiende): Mr. Chairman, Sir, I propose that clause 37 be amended, firstly, by deleting the marginal note thereto and substituting in place thereof the new marginal note, which reads: "Certificates of analyses and presumptions."

Secondly, by inserting after paragraph (b) thereof of the three new paragraphs which I will read:

"(c) Any substance commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for human consumption;

(d) Any substance commonly used for human consumption which is found on premises used in the preparation, storage, or sale of that substance and any substance commonly used in the manufacture of products for human consumption which is found on premises used for the preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;

(e) Any substance capable of being used in the composition or preparation of any substance commonly used for human consumption which is found on premises on which that substance is prepared shall, until the contrary is proved, be presumed to be intended for such use."

(Question of the amendment proposed)
(Question that the words to be left out be left out put and agreed to)

(Question that the words to be inserted be inserted put and agreed to)

(Clause 37 as amended agreed to)
(Clauses 38, 39, 40, 41 and 42 agreed to)

(Schedule agreed to)
(Title agreed to)
(Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, the amendment that is proposed is that clause 2 of the Bill be amended by deleting the definition of "Authorized Officer", which now appears therein, and by substituting in place thereof the new definition, which is as follows:—

"authorized officer" means a medical officer of health, a health inspector or any suitably qualified person authorized in writing by a local authority for the purposes of this Act, and—

- (a) for the purpose of any provision of this Act relating to the taking of samples, includes a police officer or of above the rank of sub-inspector,
- (b) for the purpose of section 29 of this Act, includes a veterinary surgeon registered or licensed under the Veterinary Surgeons Act,
- (c) for the purpose of any proceedings under section 35 of this Act, includes the clerk of a local authority".

These points, Sir, were discussed yesterday and, as hon. Members will see, the purpose of the amendments is to mention clearly in the Act the persons who will be responsible for the supervision of this Act, all of them people who are qualified to undertake this task.

(Question of the amendment proposed)
(Question that the words to be left out be left out put and agreed to)

(Question that the words to be inserted in place thereof be inserted put and agreed to)

(Clause 2 as amended agreed to)

(Clauses 3, 4, 5, 6 and 7 agreed to)

(Clauses 8, 9, 10, 11 and 12 agreed to)

(Clauses 13, 14 and 15 agreed to)

(Clauses 16, 17, 18 and 19 agreed to)

(Clauses 20, 21, 22, 23, 24, 25 and 26 agreed to)

Clause 27

The Chairman (Dr. De Souza): There is an amendment proposed by the Minister; may be he would like to put that first.

The Minister for Health and Housing (Mr. Otieno): Mr. Chairman, Sir, I would like to propose the following amendments to this clause, firstly, in subsection (2) (f) thereof by deleting the words "East Africa," which appear therein, and substituting in place thereof the word "Kenya". Secondly, by renumbering subsection (6) of that clause as subsection (7) of the clause. Thirdly, by inserting therein the new subsection which I will read:

"(6) The board may invite any person to attend any particular meeting for the purpose of assisting or advising the board, but no such person shall have any right to vote at such meeting."

Mr. Chairman, Sir, those were the original amendments, but I do not know what happens. Shall I let the hon. Member for Gichugu move his or—?

The Chairman (Dr. De Souza): No, after we have finished with your amendments, then we will deal with his.

(Question of the amendment proposed)
(Question that the words to be left out be left out put and agreed to)

(Question that the words to be inserted be inserted put and agreed to)

Mr. Gichoya: Mr. Chairman, Sir, I think I need not talk too much on the amendments proposed by me because they are very clear and they were more or less understood yesterday and more or less accepted. I will assume today that it will be just a mere formality, in the way we have considered the other amendments. I would like to propose that we delete completely the words which allow one member representing the food packing industry to be on the board and replace that particular person with one member representing the Parliamentary Group. The intention of having a member representing the Parliamentary Group is to associate the Members of Parliament with the health conditions of the country. And this man, definitely, as a Member of the House, would be in a position to assist the Minister concerned with health, and at the same time form a link between the Government and the general public. It would be a kind of two-way traffic, a two-way job for him. He would be able to understand the facts put forward by the Government; and he would also be able to put across the case of the ordinary person in that particular board, which deals with drugs and food and chemical substances.

Now, Sir, that is one thing, and I do not think we need to labour very much over it. I hope the Minister will definitely accept it. The other thing is this. Yesterday, the Minister did say, in actual fact, that cleanliness is next to godliness, and the people who are very concerned with general cleanliness are those who work in hospitals. Here we think it would be a big mistake to allow one of the ladies in the Kenyatta national hospital in Kenya, that is, the Kenyatta National Hospital, to take a position on this particular board.

(Mr. Gichoya)

Of course, you could not doubt the integrity of a matron, or, for that matter, a nursing sister in the senior ranks. It would be contrary to the practices of such a woman's profession. She is expected to be one of the cleanest ladies in the country, a woman such as a matron. So, Mr. Chairman, here we thought it was wise to have the Matron of the Kenyatta National Hospital. We do not have a particular person in our mind, but we would like to have someone, who holds a position of that kind, on the board and we feel that she would be capable of holding that position by virtue of her ability and integrity. We thought that if we had the Matron of the Kenyatta National Hospital, she would be a worthy member of the panel of judges who are to decide about our health conditions, the food we eat, the drugs used in our country and the chemical substances.

With those few words, Mr. Chairman, I do not think I need labour this, but just say that I think that all the Members who are here, and also the Minister particularly, will agree that these two amendments should be incorporated in the Bill.

The Chairman (Dr. De Souza): It may be desirable for you, Mr. Gichoya, to read fully the exact amendments that you propose and then propose them formally.

Mr. Gichoya: Mr. Chairman, Sir, my amendment to clause 27 is that it be amended by deleting the two subsections (2) (d) and (2) (g) and inserting in place thereof the following: "(d) One Member representing the Parliamentary Group. (e) A Matron of the Kenyatta National Hospital."

(Question of the first part of the further amendments to clause 27 that the words proposed to be left out be left out proposed, put and agreed to)

(Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed)

The Minister for Health and Housing (Mr. Otieno): Mr. Chairman, Sir, I appreciate the move behind the amendment proposed by my hon. friend opposite, but I would like perhaps to help to put this amendment in a more acceptable form, because it is not proper to mention the name of the Kenyatta National Hospital in a legal document like this. In any case, she is an official and can be catered for under (2) (c).

As to the contention that (2) (d) should be deleted, I am advised that the person required under (d) is not required for his representation

of the food packing industry as such, but for his expert knowledge of the packing of various foods.

I would therefore urge, that if we cater for the person whom my hon. friend calls the Matron as one of the four members in (c), and alter (2) (d) to read "one member who has a knowledge of the food packing industry", that there should be ample space, if we delete (2) (g), to have a Member of this House or of the public, representing this body, in (2) (g). This means that we would have what my hon. friend wants, a lady, but an official lady, without mentioning her title, as one of the four members under (2) (c); and we would also have the expert advice, which I am advised the board cannot do without, of an expert in the food packing industry, who need not necessarily be employed there, he may be a retired person. And in (g), I agree that we do away with one member nominated by the Association of Chambers of Commerce, in order to make way for a member of the public, as my hon. friend wants.

The Chairman (Dr. De Souza): Just a minute. I want to get the amendments quite clear. You suggest that clause 26 (2) (d) be amended by deleting the words "one member representing the food packing industry", as suggested, and that you keep the sense of it, in other words, that you have a member with a knowledge of the food packing industry. So in any case, as far as our first part is concerned, you accept that these words be deleted. And you also accept, as far as I understood, that in subsection (g) the words "members of Commerce" should also be deleted. So I think we will deal with that part first and then we can propose the rest of the amendment later. *(Question of the amendment to the second part of the amendment proposed)*

Mr. Mulliro: While speaking on this, Mr. Chairman, Sir, I fully agree with the Minister that clean food is a very essential aspect of our national life; and therefore with regard to all the food which is passed there must be someone who is an authority on food packing on this board. Therefore, I think my hon. colleague, the Member for Gichugu, will accept the Minister's amendment. In fact, the Minister's amendment meets completely the case which my colleague has put forward, in that he wanted a Member of the Parliamentary Group to be represented, this has been catered for and the Matron has also been catered for. At the same time, we will make provision for this very important member who represents the food-packing industry, which is very important to the whole aspect of the Bill.

[Mr. Murgor] and I hope the memorandum of the Member who asked the question will be one of the best submitted.

Question No. 1012

PASSION FRUIT PRODUCTION: KISII

Mr. Makone asked the Minister for Agriculture and Animal Husbandry—

(a) In view of the fact that Kisii produced considerable quantities of passion fruit juice, what was the Minister doing to help the farmers in combating occasional diseases which at times attacked this crop seriously.

(b) When was the Minister considering setting up a processing passion fruit factory to cope with the production of this crop?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Two diseases of passion fruit are known to occur occasionally in Kisii. My senior plant pathologist is to conduct spraying trials to find out which fungicide could be used against these two diseases. May I ask the hon. Member for Kintu East to ask farmers in his constituency to weed their passion fruit *shambas* so that the overgrowth of weed does not encourage and help the spread of these diseases in the *shambas*.

The answer to the second part of the question is that a factory already exists in Soik which processes all the passion fruit that Kisii can grow.

Mr. Anylen: Mr. Speaker, Sir, is the Minister aware that the quantity of passion fruit grown in Kisii District is becoming too much for the small, individual-owned factory to cater for?

Mr. Osogo: I am not aware of that, Mr. Speaker. I am sure that the factory, which is there now can process very well the production in Kisii.

Mr. Makone: Mr. Speaker, Sir, the Assistant Minister said that I should go and advise my people to clean up their *shambas*. Is this the result of his Ministry's research? Did the Ministry discover that, as a result of the farmers' carelessness in not weeding their *shambas*, these plants are dying in the way they are dying on the *shambas*?

Mr. Osogo: I am afraid I did not get the question, Mr. Speaker.

The Speaker (Mr. Slade): I think I can make it clear. The question was whether, in view of your reply, you regarded the carelessness of the farmers as the cause of the disease?

Mr. Osogo: In that case, the answer is No, Sir, but the carelessness of the farmers in not weeding their farms properly encourages the multiplication of the fungi that cause these diseases.

The Speaker (Mr. Slade): We will have to vote on now.

POINT OF ORDER

QUESTIONS ON THE ORDER PAPER

Mr. Gichoya: There is something on which I need clarification from you, Sir. I see on the Order Paper we have six questions from one Member, and so far as we understand, we have put quite a few questions to the Ministry for answers, and some of them are coming to him, after the Minister has prepared himself, particularly, say, this one of Muranga as an example, is there any way out, whereby three or four or even five peoples' questions could be included, instead of giving one person the time of the whole House with his own questions, while others would also like to have their questions answered?

The Speaker (Mr. Slade): We have to get all the questions on to the Order Paper within the time prescribed by Standing Orders. That is what we are now trying to do, and that is why we have so many questions that it is impossible to give so much time for supplementaries on each hon. Member would be a little more restrained in the number of questions they ask and in the choice of questions, we would have more time to deal with each when they come on to the Order Paper.

Mr. Khalif: On a point of order, Mr. Speaker, I notice nowadays that too many questions are put on the Order Paper. The Speaker now allows very few, or no supplementaries at all. Is it not right to decrease the number of these questions so that some questions are not treated so haphazardly?

The Speaker (Mr. Slade): I do not follow your final question, Mr. Khalif. What is your question?

Mr. Khalif: My question is whether the number of these questions could be reduced so that some of the very important questions are not treated haphazardly because of lack of time?

The Speaker (Mr. Slade): Are you suggesting that some questions should be rejected because I or somebody else thinks that they are of no importance? What are you suggesting?

Mr. Khalif: No. If fewer questions are put on the Order Paper, Mr. Speaker, Members would have ample opportunity to ask supplementary questions.

The Speaker (Mr. Slade): What will happen to the rest?

Mr. Khalif: If the number of questions is limited—

The Speaker (Mr. Slade): And what happens to the rest? I am not going to continue this discussion; I am only going to refer hon. Members to what I said at some length on Friday morning when we first had a large number of questions on the Order Paper, and that can be read in HANSARD if any hon. Member is interested enough.

NOTICE OF MINISTERIAL STATEMENT

CUSTOMS DUTIES

The Speaker (Mr. Slade): Mr. Gichuru, I think you have a Ministerial Statement to make today?

The Minister for Finance (Mr. Gichuru): I have, Sir.

The Speaker (Mr. Slade): Would you like to make it now or do you have a reason for choosing some other time?

The Minister for Finance (Mr. Gichuru): I would rather not make it now, Sir.

The Speaker (Mr. Slade): I take it you have some special reason for choosing the exact time?

The Minister for Finance (Mr. Gichuru): I have, Sir. It is an important statement which has to be synchronized with Dar es Salaam and Uganda. It has been agreed that it should be made round about half past four.

The Speaker (Mr. Slade): You want it at exactly half past four or round about that time?

The Minister for Finance (Mr. Gichuru): Round about that time, Sir.

The Speaker (Mr. Slade): We will find time for it in the course of a debate, if necessary.

NOTICE OF MOTION FOR THE ADJOURNMENT

COST OF LAND IN KENYA HIGHLANDS

The Speaker (Mr. Slade): I have to remind hon. Members that on adjournment today Mr. Mbatia is to raise the matter which is noted on the Order Paper.

BILLS

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

The Speaker (Mr. Slade): In the unlikely event of this Committee continuing to sit until half past four, I would suggest that they then report progress and beg leave to sit again, so that we can hear Mr. Gichuru's statement.

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

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

THE CIVIL CONTINGENCIES FUND (AMENDMENT)

BILL, 1965

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE FOOD, DRUGS AND CHEMICAL SUPPLIEMENTS BILL

Clause 2

The Chairman (Dr. De Souza): Is there any hon. Minister or Assistant Minister who is in charge of this Bill? Because there are amendments suggested by the Government which have to be proposed by the Government.

Mr. Shikuku: On a point of order, Mr. Chairman, if there is nobody replying or nobody responsible for this Bill, would it not be in order for us to demand that we leave this Bill aside?

The Chairman (Dr. De Souza): Mr. Moss is here now.

Mr. Moss: We are now discussing clause 2 and there are some amendments proposed by the Government. Would you like to propose them? Somebody has to propose these amendments. They are on the Order Paper.

Mr. Gichoya: On a point of order, Mr. Chairman, in view of the fact that the Minister responsible is not here and the Assistant Minister seems to be reluctant to take the responsibility, could we carry on putting forward our proposals on this Bill and continue debating it?

The Chairman (Dr. De Souza): Yes, of course, that is possible, except that if there should be any debate on the points which arise, I do not know which Minister would like to answer. Or perhaps we could leave it to tomorrow.

Ah, I see that the Attorney-General is willing to do it. That is all right.

[The Minister for Health and Housing]

(d) Dr. Maina was posted to Meru on the same reason.

(e) Dr. Kanani was employed as a Medical Officer (Intern), that is, a learner Medical Officer. He was never a Medical Officer of Health. When he finished his studies, he was posted to Voi as a leave relief.

Mr. Ndlele: Mr. Speaker, Sir, would the Minister tell the House what the Ministry has done to remove the cause of frustration which led Mr. Warambo to ask leave to go to another place?

Mr. Otiende: Mr. Speaker, Sir, it was not frustration for everybody. It was personal to Mr. Warambo. He personally was frustrated, not everybody.

Mr. Oboko: Mr. Speaker, Sir, arising from the Minister's reply, is it true that Mr. Warambo, who is the only African qualified surgeon at present at the Kenyatta National Hospital, is again to be transferred from there?

Mr. Otiende: Mr. Speaker, Sir, the question of transferring doctors is entirely an administrative matter. If I had been asked, then I would have answered this question. If I could have answered it then I should not make Members ask for rumours. However, we consider Mr. Warambo as a very good young doctor. There are more senior doctors, of course, who have been carrying on before him.

Question No. 980**TRANSFER OF STAFF FROM HOSPITAL**

Mr. Ndlele asked the Minister for Health and Housing if he could tell the House why the following staff members were transferred from the hospital: Mr. J. K. Mutiso, Mr. Mongali and Mr. C. Kilongo.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, before I reply may I seek your guidance as to whether it is in order for me to ask the hon. Member to clarify which hospital he means.

The Speaker (Mr. Slade): I think it is Machakos Hospital. These things arise sometimes from the fact that an hon. Member puts in two separate questions as one question, and then they get divided by our clerical staff into two separate questions without their noticing that, there should be fresh reference to the hospital concerned. It is Machakos Hospital.

Mr. Moss: Thank you, Mr. Speaker, for your clarification.

Mr. Speaker, Sir, I beg to reply. Since this question is why were the following staff members transferred from the hospital, I would give the answer they were transferred because they were due for promotion.

Question No. 991**AFRICAN TRADERS WITH TITLE DEEDS:
CENTRAL NYANZA**

Mr. Odeero-Sar asked the Minister for Lands and Settlement if he would tell the House how many African traders were in possession of title deeds in:

- Central Nyanza; and
- Ugenya Constituency.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. The number of leases issued to members of all races in respect of townships in Central Nyanza are as follows:

Asembo	16
Homa Bay	63
Kabimo	2
Kibigori	14
Kaloka	3
Kibos	5
Kisumu	1,254
Maseno	5
Muthoroni	15
Ndere	4
Yala	34

Two adjudication sections exist at Baholo Location, but no titles have so far been registered in the Ugenya Constituency.

Mr. Masinde: Mr. Speaker, Sir, would the hon. Minister tell us from this list, how many of these leases are owned by Africans?

Mr. Angaine: Mr. Speaker, Sir, I know the hon. Member or one of the hon. Members, would bring this up as a supplementary question, but being wise enough, I decided to bring all the number of title deeds issued to both Africans and non-Africans, so as to avoid such a question. Therefore, I cannot give you the definite number now, but if the hon. Member would care to wait, I can bring this later on.

The Speaker (Mr. Slade): The original question was Africans.

Mr. Angaine: Yes, Mr. Speaker, Sir, that is what I know.

Mr. Gikoya: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that the question as it is, is so clear, so open, is the Minister prepared to tell the House that he is going to bring the answer to this House, say tomorrow or the day after?

Mr. Angaine: Yes, Sir.
The Speaker (Mr. Slade): You mean that you will make a Personal Statement?
Mr. Angaine: Yes, Sir.

Question No. 996**CLOSURE OF POLICE POSTS:
MARAKWET DIVISION**

Mr. arap Too asked the Minister for Internal Security and Defence if he would tell the House the reasons why the Labot and Tot police outposts in Marakwet Division had been closed and when was he intending to reopen them.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. There were several reasons which forced the closure of Labot and Tot police posts in Marakwet Division. They include:

- the extreme isolation of the outposts which hindered police efficiency;
- the dilapidated condition of the buildings; and
- the extremely high altitude at which the stations were situated (between 10,000 and 11,000 feet).

I do not intend to reopen these stations, as I am satisfied that the areas are properly covered by police from Kapchorop and Chepkorio.

Mr. arap Too: Mr. Speaker, Sir, is the Assistant Minister aware that it is 74 miles from Tebach and it is 46 miles from Chebiemlit to Tot, and it is not correct to say that the area is being covered properly? In view of this, will he consider reopening these police outposts?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I did not mention about Tebach at all or Chebiemlit; I mentioned Chepkorio. The point is Mr. Speaker, Sir, that the police are completely satisfied that this particular area is properly covered by the police in the area.

**NOTICE OF MOTION FOR THE
ADJOURNMENT**

UNSATISFACTORY REPLY TO QUESTION NO. 996:
CLOSURE OF POLICE POSTS, MARAKWET

Mr. arap Too: On a point of order, Mr. Speaker, Sir, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): You will have to give notice in writing.

ORAL ANSWERS TO QUESTIONS**Question No. 995****CANNING FACTORY FOR MARAKWET**

Mr. arap Too asked the Minister for Commerce and Industry to tell the House why he had not considered establishing a canning factory in Marakwet Division.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. As a matter of fact, no individual or co-operative society has, in fact, applied for any assistance to establish a canning factory in Marakwet Division. However, we have taken the initiative and are sending a team of experts from the Industrial and Commercial Development Corporation to see whether such a factory, or any other small factories, can be established in the area. But I stress again that we would appreciate initiative, also, from the people of the area.

Mr. arap Too: Mr. Speaker, Sir, will the Minister assure this House that the experts will visit Marakwet as soon as possible, so that we can give any detailed information they may require?

Dr. Kiatio: Mr. Speaker, Yes, I would assure the hon. Member of that, and, as a matter of fact, if he would like to arrange a date with my officers, we would be most appreciative to hear his proposition.

Question No. 984**ENCOURAGEMENT OF POULTRY BREEDING**

Mr. Bala asked the Minister for Agriculture and Animal Husbandry what plans the Ministry had to encourage chicken breeding in Central Nyanza.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The establishment of a committee to make recommendations on the chicken industry on a country-wide basis was published in yesterday's Gazette. This committee is going to look into the chicken industry in the whole country, including Central Nyanza.

Mr. Ngala-Aboko: Mr. Speaker, Sir, would the Assistant Minister tell us when this committee was appointed and when its work will be finished?

Mr. Murgor: Mr. Speaker, Sir, this committee was set up yesterday and gazetted in yesterday's Gazette. The public are invited to give memoranda.

[The Assistant Minister for Health and Housing]

stopped temporarily because of lack of establishment for absorbing those who have qualified. This problem is now being considered, in consultation with the Directorate of Personnel and the Treasury, and if increased establishment is allowed, it is most likely that the training will be re-established.

Mr. Ngala-Abok: Would the Assistant Minister say at least when his Ministry intends to re-establish the training for this particular cadre of staff?

Mr. Moss: Mr. Speaker, Sir, as soon as funds are available.

Question No. 963

RUNNING OF NEW HEALTH CENTRES

Mr. Ngala-Abok asked the Minister for Health and Housing if he would tell the House what plans he had for the running of the numerous self-help built health centres which were now cropping up over the country, taking into account the trained manpower available for health centre work.

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I beg to reply. Whilst the Ministry welcomes the voluntary movement in the country to sponsor self-help projects, including the construction of health centres through this effort, it must be emphasized that such projects must now be integrated into the approved Government development programme. This matter is now being considered by the Government as a whole. Not only my own Ministry is concerned, but the Ministry of Economic Planning and Development as well as the Treasury, are equally keen that self-help schemes should be properly considered in order to determine how both the capital and recurrent expenditure will be met before the construction can be allowed to commence.

Mr. Ngala-Abok: Mr. Speaker, Sir, since many self-help centres have been built and the people are rapidly building more, will the Ministry then take steps to stop the building, since consideration is still being made as to how many can be maintained by the Government?

Mr. Otieno: Mr. Speaker, Sir, I have said that the Government is looking into every case of self-help, and my Ministry is trying to find out how many proposed health centres are being built as part of self-help schemes. In every case, we shall endeavour to help where we think that a

health centre should be and, in every case, we try to offer our technical advice.

Question No. 964

DOCTORS AND MEDICAL ASSISTANTS IN GOVERNMENT SERVICE

Mr. Ngala-Abok asked the Minister for Health and Housing to tell the House how many clinical or medical assistants and doctors were in Government service by June 1963, and how many of each category had resigned to join private firms.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. There were 138 doctors in the Public Service of Kenya in June 1963, as well as 320 medical and clinical assistants. Of these, 23 clinical and medical assistants and 83 doctors have since resigned from the Service. We have not got any record of how many of those who have resigned have joined private employment. Moreover, it is not our duty to find out what a person does after he has left Government Service.

Question No. 965

MARKETING BOARDS UNDER MINISTRY OF CO-OPERATIVES

Mr. Ngala-Abok asked the President if he would tell the House why the Minister for Co-operatives and Marketing was not responsible for the entire National Agricultural Produce Marketing Boards in the country.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I would refer the hon. Member to my reply to more or less a similar question which I answered in the House yesterday as to the allocations of duties and functions. Apart from that, Sir, I would like to add that there are two categories of agricultural marketing boards. Firstly, those which cater for local markets. Secondly, those which cater for world markets.

It is mainly in accordance with these two categories that agricultural marketing boards have been allocated between the Ministries of Co-operatives and Marketing and Agriculture. The Ministry of Agriculture is responsible for those marketing boards which cater for world markets, while the Ministry of Co-operatives and Marketing is responsible for those which cater for local markets. The reason for allocating those boards dealing with crops which are mainly for world markets to the Ministry of Agriculture is that these crops require specialized production and marketing techniques which can best be provided by the Ministry of Agriculture.

Mr. Khasakhala: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister tell the House whether the three boards under the Ministry for Co-operatives do not deal with exports, world exports of produce, such as cashew nuts, cotton and such things?

Mr. Nyamwaya: Mr. Speaker, Sir, the hon. Member for Emuhakaya, who is the Chairman of the Kenya Agricultural Produce Marketing Board, does not know that the Ministry of Co-operatives and Marketing does not deal with the Seal Board, and this is under the Ministry of Agriculture.

Mr. Khasakhala: On a point of order, Mr. Speaker, the Assistant Minister has not answered my question. I mention cashew nuts and cotton.

The Speaker (Mr. Slade): That is not a point of order, but you can repeat your question.

Mr. Khasakhala: I am repeating it, then, Sir, with your permission.

Mr. Nyamwaya: Mr. Speaker, Sir, I will also repeat my reply to the hon. Member for Emuhakaya, for his benefit. What I said was for one other reason why this division has become necessary is that those boards which are under the Ministry of Agriculture require specialized production and marketing techniques. I do concede that there are boards which are under the Ministry of Co-operatives and Marketing and which do a certain amount of exporting, to a certain degree, but then it is that degree which makes this difference, Mr. Speaker.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 965: MARKETING BOARDS TO BE UNDER MINISTRY OF CO-OPERATIVES

Mr. Omar: Mr. Speaker, Sir, in view of the unsatisfactory reply to the last question, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 967

AFRICANIZATION OF PROSECUTION BRANCH

Mr. Mbozob asked the Minister for Internal Security and Defence what he was doing to Africanize the Prosecution Branch of the Kenya Police.

The Minister for Internal Security and Defence (Dr. Mugala): Mr. Speaker, Sir, I beg to reply. It is Government's declared policy to Africanize

the Kenya Police Force, including the Prosecution Branch. In this respect, the establishment of the branch is '36. The racial breakdown is as follows:—

Africans	29
Asians	5
Europeans	3

It is therefore evident that the entire Africanization of this branch is well under way, and what remains to be done, is going to be done rapidly.

Question No. 979

TRANSFER OF DOCTORS FROM MACHAKOS

Mr. Ndleke asked the Minister for Health and Housing if he would tell the House the reasons for transferring the following doctors from Machakos:—

- Mr. Warambo,
- Dr. Vaja,
- Dr. Mugola,
- Dr. Maina,
- Dr. Kanani.

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Warambo, who is a qualified surgical specialist, was frustrated and discontented in his term of office at Machakos and asked to be transferred and was therefore transferred to the Kenyatta National Hospital, at his own request, to carry out relief work during the absence on leave of the General Surgical Specialist. He has now been absorbed in the regular professional staff of the Kenyatta National Hospital and has been allocated necessary beds. In the meantime, the Ministry is reviewing the position of the Machakos General Hospital, to determine whether the volume of surgical work there justifies the presence of a full-time surgical specialist. The doctors already there are able to cope with the situation. Nobody has died so far in the Surgical Unit since Dr. Umaru took charge. It is considered that Mr. Warambo's posting to Kenyatta National Hospital is in his best interests, as he now works in close collaboration with senior specialists, which will enable him to gain in experience and to increase in professional depth. In the long run, it is Kenya which will benefit, as he is the only senior and qualified African surgeon with the requisite qualification of F.R.C.S. in General Surgery at present.

(b) Dr. Vaja resigned from his post as Medical Officer at Machakos for family reasons.

(c) Dr. Mugola was transferred to Nyeri because of the shortage of doctors there.

[The Assistant Minister, President's Office] Muranga have been appointed, the question therefore does not arise.

The Speaker (Mr. Slade): We will not have any supplementaries on this question. Next question.

POINT OF ORDER

QUESTIONS AND SUPPLEMENTARIES

Mr. Kagga: On a point of order, Mr. Speaker, I would like to ask some supplementary questions on a point of order even though the Assistant Minister has said that the point should not arise. A question was put on the Order Paper.

The Speaker (Mr. Slade): I know hon. Members will be disappointed on many occasions, when we have so very many questions before the House, by the few opportunities they have for supplementary questions, and sometimes even none. Now, in order to allow as much time as possible for questions which seem to call for supplementary questions there are some in which I will not allow any supplementary questions. Therefore, when the Minister has said that the point does not arise because all posts have been filled, it seems to me there is no reason for not moving on and making the best use of the time we have.

Mr. Kagga: On a point of order, Mr. Speaker.

The Speaker (Mr. Slade): We are not going to discuss this matter any longer.

Mr. Kall: I want to make a point of order, Mr. Speaker.

The Speaker (Mr. Slade): On that?

Mr. Kall: No, on a point of order in general. I have heard a lot of questions put by Members where the subject needs attention, but it takes so many months that by the time they are placed on the Order Paper it is too late. So, I was wondering whether there is a way in Standing Orders that where a question needs attention, it can be given priority.

The Speaker (Mr. Slade): If we comply strictly with Standing Orders, all questions come on the Order Paper in a very short time after they are put into this House. If there is a question of a very urgent nature, and of public importance, I allow it to be asked as a Question by Private Notice, without the usual formalities. That is the one way to deal with any important matter which has to be brought up straight way, in the form of question. Otherwise, we have to rely on Standing Orders for questions to appear on the Order Paper; which, as I have said, they do quite soon.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 97: APPOINTMENT OF CHIEFS IN MURANGA

Mr. Kagga: On a point of order. In view of the fact that these appointments were only made after a year's delay, I would like to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 959

ARREST AND ASSAULT OF MR. KIENJA KARACHUI

Mr. Kagga asked the Minister for Internal Security and Defence to tell the House what steps the Government had taken to punish the inspector who authorized the arrest and assault of Mr. Kienja Karachui and his customers at Ndungu Stadium shop on 21st October 1964, and if compensation had been awarded to Mr. Karachui and his customers for the loss of his goods, assault and illegal detention.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. This particular incident is at the moment with the Attorney-General and we shall wait until the result of the deliberations and considerations by the Attorney-General are ready before we make a decision.

Mr. Kagga: Mr. Speaker, Sir, in view of the fact that I reported these incidents several times to the Ministry of Internal Security and Defence and to the Attorney-General himself, could the Minister tell us how far has he gone with the investigations?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, the hon. Member has no doubt reported, but whatever he has made there has been action taken by the Ministry. The Ministry is not a prosecuting Ministry.

Mr. Kagga: Mr. Speaker, Sir, I told the Minister that, when this inspector arrested these people, the shop was looted, then they were falsely accused of drunkenness and assaulting the police. These people were imprisoned although the allegations were false. Would the Minister tell us why no action could be taken even after the decision of the court?

Mr. Argwings-Kodhek: Action is being taken but regarding the question put forward about the police getting the shop looted, I completely deny and deprecate most strongly that allegation.

Question No. 960

ATIKIRIKI BURURI UNION ARRESTS

Mr. Kagga asked the Minister for Internal Security and Defence if he could tell the House why the police had been unable to arrest and prosecute members of Atikiriki Bururi Union who attacked and injured Kanu youth wingers at Kagunduni Market, Kandara, on 1st January 1965.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. I have been very sympathetic with complaints from the hon. Member from Kandara, but it seems this time there is a mistake in the question. It seems that the Kanu youth wingers were singing songs that the school children nearby did not like and therefore the school children being annoyed started stoning the youth wingers.

Mr. Kagga: Mr. Speaker, Sir, arising from the reply I would like to say that this is entirely untrue, there is no truth in this—

The Speaker (Mr. Slade): You must ask a question.

Mr. Kagga: That is what I am asking. In view of the incorrectness of the reply, could the Minister tell us from which school these children came as there is no school near Kagunduni Market.

Dr. Mungai: Mr. Speaker, Sir, the school children do not necessarily have to come from a school in the market, they could have been from a school nearby. They were school children, and school children were nearby and I did not get the details of what school they came from. The only thing that we knew was, that they were school children and they were not pleased with the songs which were being sung by the youth wingers.

Mr. Kagga: In view of the fact that it was on a market day, and this incident took place at the market, will the Minister agree with me that his reply is incorrect?

Dr. Mungai: No, Sir.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 960: ATIKIRIKI BURURI UNION ARRESTS

Mr. Kagga: Mr. Speaker, Sir, in view of the unsatisfactory replies from the Minister, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 961

SENIOR MEDICAL VACANCIES

Mr. Ngala-Abok asked the Minister for Health and Housing if he would tell the House why the following senior medical posts had been vacant for over two years:

- Senior Medical Specialist,
- Senior Surgical Specialist,
- Senior Laboratory Specialist.

The Minister for Health and Housing (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. It is incorrect to state that the posts of Senior Medical Specialist and Senior Surgical Specialist have been vacant for more than two years.

(a) The Senior Medical Specialist left on 150 days' leave pending retirement on 11th April 1964 thus the post became vacant on 8th September 1964.

(b) The Senior Surgical Specialist left on 75 days' leave pending retirement on 1st December 1963, thus the post became vacant on 14th February 1964.

(c) There is no such post as Senior Laboratory Specialist in my Ministry.

Mr. Ngala-Abok: I would like to ask a supplementary, Mr. Speaker.

The Speaker (Mr. Slade): No, I do not think so. Can we have your next question, Mr. Ngala-Abok?

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 961: SENIOR MEDICAL VACANCIES

Mr. Ngala-Abok: Mr. Speaker, Sir, I would like to raise this matter on adjournment. I must say, Sir, that I would like to ask supplementary questions.

ORAL ANSWERS TO QUESTIONS

Question No. 962

TRAINING FOR CLINICAL ASSISTANTS

Mr. Ngala-Abok asked the Minister for Health and Housing if he would explain in fuller detail the reasons which led the Ministry to abolish promotional training for clinical assistants throughout the country.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The training for clinical assistants has been

The Minister for Lands and Settlement (Mr. Angiano). Mr. Speaker, Sir, I beg to reply. Settlement schemes in the Western Province are not for any particular tribe. The main aims of the settlement schemes in the whole country are to help to relieve landlessness and unemployment amongst the nation. If the hon. Member for Ugenya considers the Luo living in the Western Province have been overlooked, he should put up a case to the Chairman of the Western Province Advisory Council who, under the terms of the Constitution, is responsible for selection of farmers to the settlement schemes in his province.

My Ministry has confidence in the Chairmen of the Provincial Councils and accepts the farmers who are selected without questioning their tribal breakdown.

Question No. 1021

IMPROVING STANDARD OF KENYA FOOTBALL

Mr. Mbogoh asked the Minister for Labour and Social Services whether, in view of the fact that the Kenya Football Team had been suffering defeat at the hands of other teams, the Minister was thinking of, firstly, employing a qualified coach and, secondly, turning Kenya football professional.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi). Mr. Speaker, Sir, I beg to reply. My Ministry cannot accept the fact that Kenya National Football Team is always suffering defeat. As a matter of fact, Sir, our team has achieved very memorable results in some cases and, naturally, as in any forms of sport, they cannot expect to win all the games. As regards the first part of the question, Sir, financial considerations alone will not allow us to employ a qualified coach at this time. A coach of international standards would require a very high salary and coaches of a lower standard would not meet our needs. It is therefore planned by my Ministry to look into the possibility of sending one of our experienced footballers to take a coaching course abroad, and get himself attached to one of the international football teams for some time.

As regards the second part of the question, Sir, it is only the footballers who can answer that.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, could the Assistant Minister agree with me that there are many countries who would like to send a coach here—and these countries are very good at football—to come and help our Kenya players to train and be able to challenge any international team?

Mr. Odero-Jowi: Mr. Speaker, Sir, I do not know of any country willing to send us a coach free.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that, at the moment, the Government has not even given encouragement to the present local coach or any hint as to whether it is prepared to send him abroad for further training, and is he also aware that this is one of the things that has been making our team lose, because we do not have that enthusiasm and there is no help and encouragement being given to them?

Mr. Odero-Jowi: Mr. Speaker, Sir, I am not aware of all these circumstances.

Question No. 1053

AFRICANIZATION: REGISTRAR-GENERAL'S DEPARTMENT

Mr. Kall asked the Attorney-General if he could tell us why the following posts had not been Africanized: (a) Trust Office, (b) Assistant Registrar of Societies, (c) Assistant Secretary, and (d) Secret Registry Clerk.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

Might I, with your permission, Mr. Speaker, Sir, congratulate the hon. Member who has asked this question. It does reveal a very intimate knowledge of the working of my Department.

The question of Africanizing posts in the Registrar-General's Department is kept under constant review. Such posts as that of Trust Officer call for officers with considerable experience of highly technical subjects and it is not possible to Africanize them quickly. An in-service training scheme is in operation which is designed specifically to train Africans for executive posts where technical knowledge is essential.

In the case of the Assistant Registrar of Societies, an African executive officer was, until recently, under studying the holder of the post but he has now left the Department.

An hon. Member: Why?

Mr. Njonjo: You will get that answer if you ask for it.

The posts of Assistant Secretary and Secret Registry Clerk are in the establishment of my Office. Assistant Secretaries are in a common cadre of administrative officers and, at present, there are over thirty vacancies in the cadre. Until

(Mr. Njonjo) these vacancies are filled, the question of Africanizing an administrative post which is already filled does not arise.

The important security nature of the post of Secret Registry Clerk requires that it be held by a senior clerk of mature years. All my senior African clerks have been promoted to executive posts. The post is therefore being filled on a temporary basis until it can be filled substantively by an African.

Mr. Bly: On a point of order, Mr. Speaker, is it in order for an hon. Member of this House to refer to Africanization rather than Kenyanization in the present Republic of Kenya?

The Speaker (Mr. Slade): Mr. Bly, you will see to understand soon, I hope, that you cannot raise questions like that as points of order. So I will not answer it.

Mr. Kall: Mr. Speaker, Sir, in view of the fact that the Attorney-General has really given a detailed answer to this question, I would like to know, with regard to the post of Secret Registry Clerk which requires merely a clerk of mature age, whether it is not true that we have some clerks in various Ministries who have been using Government for the last thirty years, and why can he not transfer one of these people to take over the Secret Registry?

Secondly, Mr. Speaker, when we talk about under studying these posts—

The Speaker (Mr. Slade): One question at a time, please, Mr. Kall.

Mr. Njonjo: Mr. Speaker, Sir, I assume that the hon. Member, who seemed to be very familiar with the working of the Government, will know that I cannot demand a clerk from another Ministry. This post of Secretary Registry Clerk, as I indicated in my reply, is filled by somebody on a temporary basis. Applications will be invited and person from another Ministry can be applied for that post.

The Speaker (Mr. Slade): I am afraid we will have to go on now without any further supplementary questions.

Question No. 1061

COMMUNITY DEVELOPMENT SCHEME: SAKWA

Mr. Ngala-Abok asked the Minister for Labour and Social Services whether the Minister would tell the House why there had been a delay in starting the proposed community development pilot scheme in Sakwa Location, South Nyanza, and when it was now intended to start it.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to reply. The hon. Member is under a misapprehension as to the area chosen for this survey. In South Nyanza, the location of Kalondo has been chosen and in Busia District, Samia Location has been chosen.

..... (Inaudible.)
and I would like to point out, Sir, that

..... (Inaudible.)

Mr. Ngala-Abok: Mr. Speaker, will the Assistant Minister tell me what led his Ministry to choose Kalondo instead of Sakwa which was recommended by the committee of experts, headed by a professor?

Mr. Odero-Jowi: I do not know this man the hon. Member talks about. As far as I am concerned it is the Ministry that decides and not a professor.

Mr. Ngala-Abok: Mr. Speaker, Sir, in my opinion, the most important thing is that a committee was asked to make recommendations and Sakwa District was selected. Now, how is it that the Ministry has chosen Kalondo instead of Sakwa which was recommended?

Mr. Odero-Jowi: The Ministry's selection was made after several visits to the areas concerned. A mandate was obtained from the local people and Samia District was chosen. Community development is much more important than we originally thought.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 1061: COMMUNITY DEVELOPMENT IN SAKWA

Mr. Ngala-Abok: Mr. Speaker, in view of the unsatisfactory replies given by the Assistant Minister, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 958

APPOINTMENT OF CHIEFS IN MURANG'A

Mr. Kagga asked the President to tell the House why, in view of the fact that the chiefs in Locations 3, 7, 13 and 17 of Murang'a had been dismissed about a year ago, no new chiefs had so far been appointed to replace them.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I beg to reply. New chiefs for Locations 3, 7, 13 and 17 for

Wednesday, 31st March 1965

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

(*The Speaker (Mr. Slade) in the Chair*)

PRAYERS

NOTICES OF MOTIONS

CONDUCT OF INFORMATION AND BROADCASTING SERVICES

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

THAT this House notes with great concern the manner in which the Information and Broadcasting Service in Kenya is conducted and urges the Government to ensure that the country's medium of information is utilized to the best advantage of the country and not a few individuals.

BANNING OF COMMUNISM IN KENYA

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

THAT this House urges the Government to enact legislation against communism and communist activities in Kenya, thereby declaring as illegal all political meetings and activities calculated to perpetuate and encourage communism in whatever form.

ORAL ANSWERS TO QUESTIONS

Question No. 992

MEMBER'S FAILURE TO VISIT UKWALA

Mr. Odoro-Sar asked the Minister for Co-operatives and Marketing if he could tell the House why Mr. Masinde Muliro, the Chairman of the Cotton and Lint Board, had not visited Ukwala Division during his first tour in Central Nyanza.

The Minister for Co-operatives and Marketing (Mr. Ngel): Mr. Speaker, Sir, I beg to reply. The reply is negative. The Minister for Co-operatives and Marketing does not arrange the itinerary for the Chairman of the Statutory Board.

Mr. Odoro-Sar: Mr. Speaker, Sir, since the Minister is not aware, why has he—

An hon. Member: He is aware.

Mr. Odoro-Sar: He said he is not aware. Since he is not aware of the division concerned, why has he stood to answer the question?

Mr. Ngel: Mr. Speaker, Sir, I have stated very clearly, that the Minister for Co-operatives and Marketing does not arrange the itinerary for the Chairman of the Statutory Board.

The Speaker (Mr. Slade): Next question.

Question No. 998

APPOINTMENT OF AFRICAN LAY MAGISTRATES

Mr. Bala asked the Attorney-General:

(a) How many Africans had been appointed lay magistrates in 1964.

(b) How many posts had been Africanized in the Judicial Department since independence?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

(a) No lay magistrates were appointed in 1964.

(b) Ten posts have been Africanized in the Judicial Department since independence, in addition to posts which have been filled by Africans as vacancies arose in the normal way.

Mr. Bala: Arising from the reply, would the Attorney-General inform this House when he intends to appoint African lay magistrates?

Mr. Njonjo: I do not know whether the hon. Member knows, but at this moment a number of Africans are undergoing a course of training in legal matters at the Kabete Institute and as soon as they pass through this course they will be appointed as lay magistrates.

Mr. arap Too: Mr. Speaker, Sir, could the Attorney-General tell this House how many of these posts in the Legal Department have not been Africanized?

Mr. Njonjo: There are many.

The Speaker (Mr. Slade): Order, the question is how many have been, not how many have not been. Let us go on to the next question.

Question No. 999

FACTORS CONSIDERED IN LAND VALUATIONS

Mr. Bala asked the Minister for Lands and Settlement to state—

(a) what factors were taken into consideration when valuations of land were made; and

(b) how many flood victims living at Kibigori had, up to the time of asking the question, been allocated with land for settlement.

The Minister for Lands and Settlement (Mr. Agathe): Mr. Speaker, Sir, I beg to reply. Valuations conducted by the Central Land Board for purchase of land are not based on an overall price per acre. In arriving at the fair purchase price for any property, the valuer assesses the general conditions of the farm, the acreage and quality of various soil types, the extent and conditions of permanent improvements and their suitability to the farm, profitability of the land and such factors as access, services, availability of markets, etc. The final assessment is related to previous sale prices of comparable properties on the open markets.

In reply to the second part of Question 367, families from the Kibigori Transit Village have been allocated holdings on the administrative settlement scheme at Kibigori. 198 others have been allocated plots at Songhor Settlement Scheme.

Already they are cultivating their new plots and will be building houses as soon as the plan for the scheme is completed. The scheme will be based on sugar within the Chemill Development Complex.

A number of other families from the Kibigori Transit Village have paid deposits for plots on the Luo Sugar Settlement Scheme. The actual number is not yet available.

Investigation is being made to find unoccupied lands which might be suitable for the flood victims at Kibigori.

The Speaker (Mr. Slade): I cannot allow supplementaries on the first part of the answer there, because it is too close to the matter which is going to be debated on the adjournment this evening. We can only have supplementaries on the second part of the answer.

Mr. Bala: Arising from the Minister's reply, Sir, could the Minister tell the House what factors are taken into account when valuing sugar-cane lands, in which you find that one part is not developed completely and the other part fully developed?

The Speaker (Mr. Slade): That is just what I have been saying; we cannot have supplementary questions on that part of the answer. But I can allow a supplementary on the answer to the second part of the question.

Mr. Makone: On a point of order, Mr. Speaker, did you not give Mr. Bala a chance to ask another question so as to express his views?

The Speaker (Mr. Slade): That remains to be seen.

Mr. Tannai: Mr. Speaker, Sir, could the Minister tell us what amount of sugar-cane these people who have been settled have planted so far?

Mr. Agathe: Well, Mr. Speaker, I have not got that in writing, but if the hon. Member wants to know the number I can supply it later.

The Speaker (Mr. Slade): Next question.

Question No. 1005

SEVEN FORKS ELECTRICITY FOR WESTERN KENYA

Mr. Ochwada asked the Minister for Works, Communications and Power if he would tell the House, now that the Seven Forks Hydro-Electric Scheme was in being, what plans he had to supply West Kenya with electricity, which they so urgently needed for economic development purposes.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. West Kenya covers a vast area and I am not sure which specific area the hon. Member had in mind. However, the East African Power and Lighting are in the process of extending electricity from Kisumu to Kakamega and places *en route*, and have agreed to extend the power line from Kisumu to Maseno.

Mr. Ochwada: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that the places which are to be covered by the lines he has just mentioned are so small and that the places which have been left out are very large and the population in the area is also large, a factor which would justify the extension of electricity to those areas?

Mr. Mwanjumba: Mr. Speaker, Sir, I am aware that the area covered is relatively very small. A survey is being carried out by my Ministry, together with the Ministry of Economic Planning and Development, to see in what places it would be economic to supply electricity. Until that survey is completed, Mr. Speaker, I am unable to give any further information in answer to this question.

Question No. 1016

SETTLEMENT SCHEMES FOR LUOS IN WESTERN PROVINCE

Mr. Odoro-Sar asked the Minister for Lands and Settlement whether, in view of the fact that, in Western Province, the land for Settlement Schemes was for the Abaluhya tribe only, he would inform the House of the position of Luo living in Western Province with regard to Settlement Schemes.

[The Vice-President]

from the opposite side. However, I can only say that I think what I have said is enough to clear the air and to make the hon. Member from Mombasa understand the feelings as well as the difficulties, the problems which the Government has, and, I think that if we are going to run this country amicably and peacefully, we must not deceive one another. I hope that he has not found that to be so.

Mr. Ngala: On a point of order, Mr. Speaker, it is very clear that the Leader of Government Business has misrepresented what I have said. I stand for your guidance on this, Sir, whether he can produce papers or any quotation with regard to what I said.

The Speaker (Mr. Slade): If an hon. Member says in this House that he himself heard a thing said or saw a thing done, that is accepted until proved that he is wrong. When an hon. Member has said something that can be proved wrong by record or by the testimony of any other witnesses, if it is a matter of importance to this House, or to a particular Member of this House, then after he has been shown that he was wrong, he is expected to come to this House and acknowledge that fact. So it would, in this case, be for you, Mr. Ngala, to show that by evidence or by the testimony of several, to show Mr. Odinga that his memory is wrong. If you do that, I am sure he will come and tell this House; and if he does not, then I would like to know.

ADJOURNMENT

The Speaker (Mr. Slade): Now, the half hour has expired, so the House is adjourned until tomorrow, Wednesday, 31st March 1965 at 2.30 p.m.

The House rose at fifty-eight minutes past Six o'clock.

WRITTEN REPLIES TO QUESTIONS**Question No. 971****MONEY FROM NAIROBI CITY COUNCIL TO COUNTY COUNCILS**

Mr. Muruli asked the Minister for Local Government how much money had been received from the Nairobi City Council by Kakamega County Council and other county councils, as a result of the arrangements made by the Ministry, whereby, people living in Nairobi with families in their homes, could have part of their taxes sent to their respective county councils.

REPLY

The Minister for Local Government (Mr. Sagial): The information sought is not available. The Nairobi City Council is at present working on the information given them in respect of each taxpayer with the object of assessing how much tax collected by the city council is to be transferred to other local authorities in cases where either the taxpayer did not live in Nairobi, or, if he did, none of his family lived in Nairobi. It is anticipated that the information will be available early in April 1965.

Question No. 989**KENYA PRELIMINARY EXAMINATION PLACES, IN 1964**

Mr. Otero-Sar asked the Minister for Education:

- How many pupils sat for the Kenya Preliminary Examination last year.
- How many of these had gone to secondary school.
- How many had joined other courses.
- What plans did Government have for the rest.

REPLY

The Minister for Education (Mr. Koinange):

- 103,000 pupils sat for K.P.E. in 1964.
- Approximately 16,555 pupils joined secondary schools. Of this number 11,655 joined institutions maintained either in full or in part by the Government. The rest joined private institutions including "Harambee Secondary Schools".
- 500 K.P.E. holders joined technical and trade schools and 1,776 K.P.E. holders joined teacher training colleges, for training as P3 teachers. Other forms of training falling outside the control of the Ministry of Education exist in the form of training for example in the East African Railways and Harbours, the East African Posts and Telecommunications, Medical and Nursing, and apprenticeships of various kinds. It is, therefore, not possible to give exact numbers of those joining other courses.
- Until the country can afford secondary education of various types for all children who complete primary education, there cannot be a Government plan for all primary school leavers as the majority have to look for employment in all forms of economic activity available in the country.

Question No. 1001**FORM I ADMISSIONS IN 1965**

- Mr. Bala asked the Minister for Education:
- How many pupils were taken into Form I in January 1965 in Kenya.
 - Would the Minister give the district breakdown of the Form I intake in January 1965.

REPLY

The Minister for Education (Mr. Koinange):

- There were 16,555 Form I places in the whole country in 1965 which should have been taken up by pupils. 11,655 are in maintained and

assisted schools and the remainder in unaided or private schools.

(b) No, Sir. In admitting children of this country to secondary schools, my Ministry does not consider the origins of such pupils. The criteria are merit and availability of places in schools and, therefore, no statistics of the kind the hon. Member wants are kept in my Ministry. To attempt to identify the districts of origin of pupils entering secondary schools, would clearly be against the spirit of the Kenya Constitution which lays down that no discrimination of any kind will be practiced against persons on account of their race, tribe, place of origin, or place of residence, colour or creed.

[Mr. Ngala] considered that, all the citizens of Kenya period, and after that, all the citizens of Kenya are treated the same. If I were a person with a white face today, I would not tolerate living in Kenya, because I pay for the education of my children, I pay for their upbringing hoping that they will take up the same place as any other child without discrimination; and yet this discrimination is still going on. Now, it is high time that the principles—principles, mark you—that have been asked for, the assurances that have been asked for, are given, and I hear one hon. Member saying that we have no principles. In fact, citizenship is a matter of great principle and, therefore, if we have no principles, how can citizens of other origin have any confidence in this country? If this discrimination continues, there is no telling as to what will happen between Africans of a lighter colour and those of a much darker colour in Kenya. Therefore, we would like to get this assurance made in no uncertain terms.

I already said in a public meeting in Mombasa this weekend, that some offices require to be drastically put right as far as this imbalance is concerned, but when is the imbalance going to stop? Because we hear small politicians in other places strongly saying that it must be black Africanization throughout, every day and every year. I think that we, as responsible members of this nation, have to admit that other people are also citizens. The Minister responsible for citizenship himself, I think, will agree that once he signs a document making any person a citizen of this country, he has a responsibility to see that that person is treated equally as any other citizen.

Now are we trying to avoid this responsibility of treating our citizens equally? If we are avoiding it, we should say so. I was talking to one Member of Parliament just outside here a few minutes ago. He said very frankly, that what we ought to say is that the Asians have no place at all in this country and the Europeans have no place at all in this country; and I think that Member was very sincere. If wish Government said that here, so that these people know where they are and they know what their place is and they know the goods that are going to be delivered by the nation. If we agree with the statement that was made by the Father of the Nation, then I think the assurances on principles are quite right. The details can be defined by the Government because of the particular position and specific circumstances we find ourselves in. But in principle, Mr. Speaker, I very much deplore any perpetual discrimination against Kenya citizens, just because of the

colour of their faces, as far as jobs are concerned. This is very wrong and should not happen in a country which has a Constitution which binds every one of us to equal treatment of all our citizens in this country. If there is something wrong which should be put right, then we should have a time limit for this so that, after that period, no one goes on saying, "We are going to ask for obligations to people of African indigenous origin." I think this would be entirely wrong.

With these few words, Sir, and as a matter of principle, I support this Motion and hope that the Government will make its intentions clear on principles, although I understand that the details have got to be worked out, and a time limit which is feasible in the circumstances in which we find ourselves today in this country.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, it is unfortunate that the hon. Member for Mombasa should have brought this highly sensational question at this time. I think it is inopportune for him to have actually brought this at this very moment; and therefore, any reply which I will give to this particular question will not be a reply which I should have given at this time, but since he has forced my hand and also has thought fit that I should make this statement which I am about to make, I am sorry but I must do so.

Mr. Speaker, Sir, what the hon. Member contends, with regard to the question of the announcements which are in the Press—I will not actually try to deny that they are true. They are true and he has quite rightly quoted them from the Press. And even the quotations which he has made, may be they are true or not, but I am not prepared to go into all those arguments. I am dealing with a question which is a moral issue for this country. It is an issue which concerns a force which actually even changed the face of this House where we sit. Everybody will know, Mr. Speaker, that, at one time, this House was predominantly white; later on it became a little bit mixed, white, brown and black; and now, with all the resistance which went against it, it is predominantly black. This is a force which even we in the Government will have to contend with and which we have actually to consider very seriously, because it is this force which has also placed us in positions of power in the Government. If anyone thinks that we should ignore this force, I think he is only trying to avoid facing the realities of life, because such forces are also overwhelmed India. The hon. Member actually quoted to us, The hon. Member quoted India which previously

[The Vice-President] had an almost-while Parliament and now has a predominantly Indian one.

It must be understood by everyone that this country will not be different and this country's emotions will not be different from the emotions which exist in other countries in the world. I quite agree that we are going to treat everyone equally in the eyes of the law in this country, and let anyone challenge me, every citizen and everyone who accepts to be here is equal and will be treated fairly. But as regards the people of this country, who are running their own country, there may be such forces influencing the Government that the Africans themselves will not allow somebody else, whom they are not sure of, to be given a job. This should not in any way be construed as discriminating, and nobody should construe it that way. It is not. It is only according to the force which is natural in all human beings and which make up what we are. I want actually to make it very clear to everybody that though there is no opportunity for you in the Government, there is opportunity in all other fields in Kenya where any person can play a part.

Mr. Speaker, Sir, the reflection of the composition which is in this House, if somebody is moving someone else, then Africans of this country need to proceed within all Government arrangements, sooner or later. That is a fact. This is a fact which we find ourselves faced with and which we have to contend. The African people of this country struggled to get the Government, to clear away the Colonial Government in order to man and run their own Government. That should be understood. We know that all other people of immigrant races will also be accepted in the Government, but they will be accepted by implication and consent of the African people; they will also be there with the clear understanding that should it be thought the African race who are qualified and able to man those services are able to do so, then those Africans will have to be considered first. They will have precedence, and this is something which is quite clear and which I must make clear. I do not mean to mince words, Mr. Speaker, today. This is something which we must make very clear. We have accepted to move along with all our friends who have decided to take Kenya their home. We say that many of these have better opportunities in the commercial field where the Africans still have very little chance and it is here that these other people have better opportunities. They have bigger chances also in other fields. We say that those

who are still in Government are welcome to remain there, so long as they carry out their duties honestly and as well as they are told to do.

Now, Mr. Speaker, just as the Mover of this Motion spoke with a lot of emotion and tried to explain things very sincerely, I accepted it with equal sincerity. He was speaking from a very sincere feeling and I can assure him that on the side of the Government we are not going to be unfair to anybody if we can help it.

We will only have to contend with that force which I have told you about, the force of nationalism of the African people. I am surprised that the Member for Kilifi should stand here today and tell me something which he does not believe in himself, Mr. Speaker.

The Speaker (Mr. Slade): Order, order. You must not say that, Mr. Odinga, about any Member. You must not say that he does not believe in what he says.

The Vice-President (Mr. Odinga): I am going to give examples for that statement, Mr. Speaker. It is only a few years, Mr. Speaker—

The Speaker (Mr. Slade): You can allege that what he said elsewhere is not consistent with what he now says in this House, but you may not charge him with insincerity.

The Vice-President (Mr. Odinga): I will say that he seems to be very inconsistent with what I have actually known him to say. It was only recently when I was in Mombasa when he made a public statement in front of me, telling me that he wanted all that land at the Coast, which is owned by the Arabs, that we should let the Africans have it.

Mr. Omar: On a point of order, Mr. Speaker, I was present at that meeting which the Vice-President—

The Speaker (Mr. Slade): Put your point of order, put your point of order now, Mr. Omar.

Mr. Omar: Could the Vice-President please substantiate that the Member for Kilifi said at a public meeting in Mombasa that all the land in the Coastal strip which belongs to Arabs should be possessed by the Africans?

The Speaker (Mr. Slade): You will say on what information you base your statement, Mr. Odinga.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I was the chief spokesman at the meeting and he was in front of me speaking. When I stood to speak I tried to moderate the language which he used and that is why I did not want to get into controversial questions with my hon. colleague

(Mr. Pandya) practice. There are discriminatory advertisements in the Official Gazette, and indeed, in the country's newspapers; and I would, Mr. Speaker, like to refer to an advertisement that appeared in the *East African Standard* of 8th January, with regard to the Kenya Government executive and clerical entrance examinations. At the top of it, it says that "This Notice applies only to Kenya citizens of African origin." You go further and see in the *Kenya Gazette* of 9th February, Legal Notice No. 470, published by the Public Service Commission of Kenya. This is what appears there, Mr. Speaker. Note, "In all cases, preference will be given to qualified candidates who are Kenya citizens of African origin." This, Sir, is continuing week after week in the newspapers of this country, and I could, in fact, bring several examples to show that the Government is determined to continue this apparent policy of discrimination.

Now, Sir, the Assistant Minister justified this discriminatory policy, in his Personal Statement which he made in this House only last Thursday. He recorded this, "that the Government wishes to correct the imbalance on racial lines in the composition of the Civil Service that it inherited from the previous Colonial Government".

Now, Mr. Speaker, I condemn very strongly this discriminatory policy of the Government. There can be no question, in the new and independent Kenya, of preferential treatment on the grounds of race or origin as between citizens. I concede that if there is to be discrimination, it can only be on the grounds of citizens and non-citizens. Preference is justified if it is given to citizens of whatever origin as against those people who are not committed with us and who have so far not identified themselves with the people of this country.

Mr. Speaker, the Attorney-General only last week, in answer to a supplementary question from me, after a minute or so's hesitation, said that, "Yes, this policy will have to be carried out to remove the racial imbalance." Mr. Speaker, I emphatically say that there is no question of removing any racial imbalances. If there is any question of removing imbalances, that must be as between citizens and non-citizens, for there is no purpose otherwise in offering citizenship to people of non-African origin under false pretences.

Now, Mr. Speaker, on 20th October 1964, our beloved President, Mzee Jomo Kenyatta, who was then the Prime Minister, spoke on Kenyatta Day—that is a national day of great significance which honours the achievements and the hard

struggle of the Father of our nation. I would like to quote, Mr. Speaker, from the speech he made that day. While on this subject, he is talking of Africanization. "I want to emphasize here one point that I have made before. The purpose of our Africanization programme is simple enough: to maintain an efficient and effective machine of Government by and for Kenya's people. Any breakdown in the machinery of Government at any level would not carry the country forward but would cast us back. For this reason, Africanization has not been and cannot be an automatic programme, based on colour or race. It is a process that needs not only talent and loyalty but also experience. This is why training schemes have been instituted and must be continued, to equip our people for posts of high responsibility, and give them opportunity to gain the maturity that comes from experience. I have made it clear many times that our Government will not discriminate against any citizens, on matters of employment opportunity, recruitment and promotion. All citizens of Kenya, regardless of their race or colour or country of origin, have equal opportunities and duties in the building of our public service. I expect all civil servants, including those who have become Kenya citizens, to work loyally for the country."

Now, Mr. Speaker, these are the words of a statesman and a great leader, and they should be the guide lines and principles on which this Government should work in practice, not by just paying lip-service, but by fair play and seeing that equality of treatment to each citizen is afforded in every aspect of our existence in this country.

I raised, Mr. Speaker, in the House some months ago the subject of the continuing policy of discrimination in the East African Common Services Organization, and this policy is still going on, because I have at my disposal specific examples of people who have taken up Kenya citizenship and who have been replaced in the process of Africanization on the grounds of race and origin. Now, Sir, Kenya is an important member of this Authority and still this injustice has not been removed and so many citizens have lost confidence because of this discriminatory policy, and lost their faith in the fairness of the Government in implementing the principles that were so loudly proclaimed in the past. In fact, Mr. Speaker, I have a letter here from the chief engineer, terminating the services of a Kenya citizen, on the grounds of race and origin.

Mr. Speaker, very recently a six-member Parliamentary delegation from Kenya went to India and the leader, Senator Onyango, said this

(Mr. Pandya) in the 22nd March in New Delhi. Referring to the question of citizenship in Kenya, he said that they would welcome very much the Indian population in Kenya to become naturalized citizens of that country because they had been in the country for a long time and had contributed to various developments of Kenya. Kenya, he said, was very anxious to give—and I underline these words, Mr. Speaker—full citizenship rights to those Indians who decided to throw in their lot with Kenyans. He wanted Indians in Kenya to take a firm decision as early as possible regarding the issue of citizenship. Once they took the decision it would be much easier, both for the Indians and for the Africans in Kenya, to forge-further friendship and closer links between the two countries.

Then, Mr. Speaker, he made a statement when he came back, which was reported in the *Sunday Post*, but because of lack of time I will not read it. This is again emphasizing the same points that were made in New Delhi at a reception that was given by one of the Deputy Ministers there.

Now, this is what is said by our representatives abroad, and then what happens here at home? Those people who have thrown in their lot with the majority are openly and, if I may say so, unashamedly, being discriminated against in matters of public appointments. If we so treat, Mr. Speaker, such a small section of our community, what right have we to condemn the racial policies of South Africa, or some of the other policies that are taking place in the United States, matters which we all proudly and loudly proclaim and so conveniently denounce, when we ourselves are carrying out such policies.

Now, Mr. Speaker, where are our principles if they are going to be conveniently forgotten and put on the shelf, while citizens of this country are being deprived of their livelihood, and only on the grounds of race?

Mr. Speaker, in view of this—I know the time is very limited—I want three assurances from this Government. One, that a Kenya citizen, of whatever race or origin, will not be removed or replaced for he is deemed to have been Africanized within the meaning of the term "Africanization". Two, that in the consideration of promotions, there will be no discrimination on the grounds of race or origin. Three, that in the future appointments and new recruitment, equal treatment and opportunities will be offered to all citizens, irrespective of race or origin.

Now, Mr. Speaker, these are the three clear assurances I am demanding from this Government, and I hope, Sir, that this Government will

today support me in the principles that we, as the Parliament, as leaders of the country, have laid down for the future of this country. I hope, Sir, that I will not have occasion to bring this matter again, because the people of this country are waiting for a dynamic leadership from this Government, particularly in view of the speech, from which I quoted, of the Father of the Nation, the President of this country, Mzee Jomo Kenyatta.

Mr. Speaker, Sir, I beg to move.

Mr. Ngala: Mr. Speaker, Sir, I would like to support the Mover on this. As a matter of principle, I think this House has an undertaking to govern the country as a whole according to the Constitution. Now, what does the Constitution say? The Constitution does not discriminate against citizens of Kenya. They may be white, they may be yellow, they may be red, but there is no discrimination at all in the Constitution. I fully understand the need for removing the imbalance, but let not this imbalance, or the removal of it, be used as an excuse to discriminate against fellow-citizens of this country.

I would like to say that the Government, in principle, cannot afford to get away from giving an assurance that citizens of this country, be they white or red or yellow, should not be discriminated against, as a matter of principle. If we do not do this, it is a waste of time; Sir, to labour on the Constitution, and even to take an oath in this House that we shall do all things according to the Constitution. The Ministers and everybody took this oath, that we would uphold the Constitution. The statement by the leader of our nation has already been repeated and I need not add any more to that, but even if we are removing the imbalance, may we have an assumption from the Government as to whether one year after the *Jambiri* celebrations, the question of removing the imbalance will be over, so that there is no further discrimination from a certain period, with people getting these notices in the Official Gazette, showing very clearly that the discrimination does exist.

We must appear in a very bad light to other countries in the world. I would like to see sincerity in the nation, where, if we do not want the white faces, we tell them definitely that we do not want them, that they should pack up and go. But if we are playing the game of hide-and-seek with our own citizens, I think it is a very cowardly act, and a very cowardly show.

Now, I am not saying that there is no imbalance, but I am saying that the removal of this imbalance could be limited to a certain

[The Minister for Health and Housing] country, and that was the end. It was a very dangerous thing. Such things can happen, and also in tinned foods, which nowadays include tinned fruits, in a place like Kenya. We should always make sure that when we open a tin to listen to hear if any air is escaping, if there is any, then throw away the tin, because once air gets into any tinned food then it will turn poisonous immediately. We want to protect our people who buy tinned foods, from contamination and food poisoning. Therefore this Bill, the way it stands, affords all the general provisions to protect you against being sold things that are deceptive, adulterated things, and things that are prepared in insanitary conditions. Also in this Bill we would like to protect the people against dangerous drugs. We are not arguing which are the dangerous drugs today, because it is a matter of opinion. I have heard people raise certain opinions on the different drugs, but I am not going to do that. As you can see your questions and your arguments can only be—

Mr. Mbogoki: On a point of order, Mr. Speaker, Sir, is the hon. Minister addressing us or the Chair?

The Deputy Speaker (Dr. De Souza): Please address the Chair, Mr. Otieno.

The Minister for Health and Housing (Mr. Otieno): Mr. Speaker, Sir, I would like to draw the attention of the Members to section 27, in which I think they have some points to score. In section 27 it has been drawn to our attention that the membership of that board can be amended. On one hand I would like to explain that four members appointed to represent that Government are the Government's chemist, ad chief hygiene officer, a qualified veterinary surgeon and a legal man to prosecute the cases; those are the four that the Government has. Under the Act, one member will be nominated by the Pharmaceutical Society of East Africa, and that will be amended in due course to read "Kenya". The idea was that this man is the sort of top authority on mixtures of drugs, and he is there not to protect the Society but to give the best available information to the Board as to the components of any chemicals. That is why he was proposed, not because he represents his body, but to give the break-up. For example; they say, "what is the substance used?", and he will say that this substance contains so many parts of sodium, so many parts of something else. He is there merely to give the chemical analysis; he is not protecting anything else.

As to the member who represents the Chambers of Commerce, this is a new idea and I am prepared to look at it because I think he is there definitely to protect the Chambers of Commerce. As such, we can look at that again. I would like to take the advice of the hon. Members there and when we come to the Committee stage, we shall see whether we can.

Under the other heads—(d), for example: one member representing the food-packing industry—we shall see whether we cannot take one or two Members of the House, as we have one Member of the local authorities there. I think that is a very good suggestion.

Now, Sir, I do not think the hon. Members did have very much to say about the ingredients of, for example, 28 (iv): "the use of any substance as an ingredient in any food, drug, chemical substance . . .". I do not think they need worry because that is technical work which is looked after by scientists. The only thing we have to make sure of is that the board function properly.

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

The Speaker (Mr. Slade) resumed the Chair]

Nobody should say that the Director of Medical Services or the Government gave me this board; this board acts as a sieve to knowledge and also to give an unbiased kind of judgment on any chemicals; for example, the chemicals all the Members are so worried about, which they are using now and have not yet been examined for harmful substances.

I may also let the House know that so far the criterion has been that if a medicine does not do any harm, then there is no use in worrying about it, so if we take Aspro and it does you no harm, then the board says, "That is all right, it does you no harm." Of all the patent medicines which you hear about, some have good effects but others are useless, but as long as there is no harmful effect in the substance, this board will take no action, so I do not know whether the Members want me to change that criterion and look at it in a different way, because all the Government was doing was protecting you against any poisonous substances. However, we could even go further and prevent certain things from being imported here because of their uselessness and perhaps they have other effects we do not know about.

The Speaker (Mr. Slade): An hon. Member did refer to clause 9 which makes it an offence

[The Speaker] to advertise drugs, in terms which are deceptive as regards their character, potency, quality, and so on. I think that is what they were referring to.

The Minister for Health and Housing (Mr. Otieno): On that point, Sir, I have consulted the hon. Attorney-General, and I am assured that any action can be taken against anybody who advertises anything false under the general public health regulations, and not under Chapter 249. For example, if a person is doing what somebody mentioned where the plates are washed, but the plates are dirty, this does not quite come under this, but under the general public health laws, section 242, onwards. The police can easily prosecute somebody of this type. This particular part that I am asking the House to approve is to prevent people being given bad food or drugs, milk or any such thing. However, any other offences against public laws can still be prosecuted under the general laws.

Mr. Speaker, Sir, I just want to say that it is the intention of my Ministry to start a vigorous campaign to stamp out dirt, especially where food is concerned and where people use public conveniences. Therefore, I would like to request the House to look with favour on this Bill as the beginning of good things. You will have noticed, Mr. Speaker, that under this Bill we ask for slightly more powers for people who do not help us, for example, the clerks of the county council; we can now fix something, get it all analysed by the Government Analyst and later on perhaps prosecute anybody who keeps dirty things. We are merely trying to improve on what went on before and get our health inspectors to do a bit of work.

I would like to make one personal remark, Mr. Speaker, Sir, and that is in connexion with the work of the health inspectors. It has been noticed that in places where they are, really inefficient, it is because in the morning, as they are going to their work; they stop in a place and have a little waargi and this waargi makes them very irritable the whole day. They are late for route inspection and I have known several of our health inspectors who have suffered from the effects of waargi. I am only saying this because I do not know why they are particularly affected to that thing but they are people who travel on bicycles and they know every place where this stuff is brewed; they stop on the way to have a bit of it and as a result they become very inefficient. I am trying to look into this in order to find out how we can stop members of our staff drinking too much. Our Ministry is going to have a clean-up because I feel that it is a

public shame that public servants should be drunk in the morning instead of doing some work. I think what we want is action in this particular field and then the others will stop it too. That has been the practice so far, that anybody who is medically minded, is not often criticized and can usually do what he likes.

I would like to ask the House, Mr. Speaker, that this Bill be given a trial and let us see what we can do this year to improve the kind of food we eat.

Now if I, Mr. Speaker, do eat a little better food, it is not quite because I have more money, but because I am very careful not to eat bad food. So I would like to ask even those who cannot afford to go to high-class hotels to go to clean little hotels and to try to make the local people keep clean hotels with clean servants and clean water.

With these few words, Mr. Speaker, I beg to move.

(Question put and agreed to)

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

MOTION FOR THE ADJOURNMENT

REPLACEMENT OF EMPRATRIES BY KENYA CITIZENS

The Speaker (Mr. Slade): We are now near the time for the interruption of business. I think I will now call on a Minister to move that the House do now adjourn.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Health and Housing (Mr. Otieno) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I want first to assure the hon. Members of this House that I am raising this matter in all sincerity and because of the answers by the Assistant Minister to the Vice-President's Office which, in my submission, are fundamentally against the spirit of the Constitution of Kenya. I refer, Mr. Speaker, to section 26 in Chapter II of the Constitution, which assures protection from discrimination on the grounds of race, etcetera.

Now this Chapter deals with the protection of fundamental rights and freedoms of the individual; the right to equal treatment for all citizens, irrespective of race or origin is guaranteed. But let us examine what happens in

[Mr. Oduya]

of allowing it to be brewed secretly and smuggled and sold furtively which, of course, brings about a lot of diseases.

The Deputy Speaker (Dr. De Souza): I have understood the point and I think it is an ingenious way of bringing in something else, but I am afraid we have had enough of that. We will not be able to have any more debate on *waragi* in this particular debate. If any hon. Member wants the Government to legalize Nuhian gin, one can bring a substantive Motion to that effect, but one cannot bring it in this particular Bill. Quite clearly, it seeks to have protection for the public against foods which are dangerous for human consumption. That is the ruling and we must stick to it.

Mr. Masinde: Mr. Deputy Speaker, Sir,—

Mr. Malsori-Iumbo: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): No more points of order.

Mr. Masinde: Mr. Deputy Speaker, Sir, in view of your ruling, and that is the most important thing, and since most of the points have been covered by my colleagues, I will end by supporting the Bill and knowing very well that I shall have to give notice of another Motion to enable this House to legalize *waragi*.

Mr. Godia: Mr. Deputy Speaker, Sir, whilst supporting the Minister for the work he has done in bringing up this Bill, I have a few observations which I hope the Minister, when replying, will consider.

One of the most important points is that the health inspectors, who are supposed to see that this Bill goes through, need some kind of training because since they left school they have forgotten their duty. The conditions of health in markets and in other places are so appalling that many honest members of the public suffer from the influence of the conditions in hotels and eating places where they go. Therefore, Mr. Deputy Speaker, I suggest to the Minister that within his Ministry he should consider getting all these health inspectors brought up for a kind of refresher course where they could be instructed how better to carry out the policy of the Ministry of Health.

As has been indicated by the other speakers, Mr. Deputy Speaker, many shops, particularly eating shops, are dirty. You find in certain hotels that the water which is used for washing for the whole day is in a basin. In that particular basin you wash all the cups for the whole day,

and the water becomes very dirty and stinking. In that particular case, people get many diseases because of the food they get in the hotels. Therefore, Mr. Deputy Speaker, I think the mistake lies with the inspectors who are not doing their work efficiently. Some of them, when they find the right thing to tell the showpayers, they do not do it; they would rather look the other way. So I feel that they should be advised to do their work most efficiently in order to bring about better conditions of health in markets and also in many other eating places.

You will find, Mr. Deputy Speaker, that some of the animals slaughtered in private butcheries and markets are so poor and, in some cases, they are not properly examined, and when the customers take the meat, some of them become sick and some people become unhealthy. The mistake, Mr. Deputy Speaker, lies with the staff of the Ministry of Health. Therefore, I think a standard must be set for these officers, so that they are told on what to base their judgment.

I suggest, Mr. Deputy Speaker, that, apart from giving lessons to the staff in the Ministry who are supposed to see that the rules are being carried out, it should be possible for the Ministry to advertise, through radio, the conditions which are required by the Ministry in markets. This would be a lesson not only to those who have shops or eating-houses but also to the people, so that they know what conditions are expected in various places. It would then be easy for any Member of the Provincial Council or of this House or of the Administration to keep a check on these houses, to make sure they are doing the right job. Then, if they find a certain shopkeeper not keeping his shop up to standard, then it is time that such a business man was deprived of the right to conduct that business, so that he can find some other business and the business house or shop can be closed. This would help to bring about better facilities and better conditions in our places.

Also, Mr. Deputy Speaker, I would suggest that the Minister for Health should also arrange for a film to be shown at various centres, such as chiefs' centres and other market places, indicating the conditions expected in various hotels. This, Mr. Deputy Speaker, would be a very great encouragement to the people and also to those concerned who do not know, so that they know exactly what to do.

Mr. Deputy Speaker, it has been mentioned by the previous speaker that *waragi* is a drink which should be legalized in this country. It is true that as a drink it is a good drink for certain people, but in most cases some people take it to excess and

[Mr. Godia]
as a result many people are killed through drinking *waragi*. Therefore, although many of our people consume it, Mr. Deputy Speaker, I think it will be right for the Minister to consider the effect of it. If it is distilled properly and sold properly, just as it is done in Uganda, there will be no objection to it being consumed, provided that conditions are laid down as to how it can be—

The Deputy Speaker (Dr. De Souza): We do not want to go too far on that, Mr. Godia.

Mr. Godia: Thank you, Mr. Deputy Speaker.

I do feel that the Bill as it stands, apart from the Ministry working on the officers who are to carry out aspects of the Bill and who are to see that it is effective, I feel that the Bill deserves praise and also I support it, and I do hope the Ministry will do their best to make conditions better in the country.

The Minister for Health and Housing (Mr. Oduya): Mr. Deputy Speaker, Sir, I am very thankful for the views expressed and the suggestions made by various hon. Members, not that all of them really could be incorporated in here, but I think one or two of them are really helpful.

I would just like quickly to go through the various suggestions and see where they can fit in. First of all, the whole Ministry of Health needs to be made health-conscious, and also the Government. I dare say hon. Members of this House must become health-conscious, so that when they go to their own areas; they spread the word of health and cleanliness. It does not help for a Member to preach cleanliness here in the House and then, when you see the way of life he leads, you find that he has compromised with dirt. It is not also proper for a doctor to go giving injections to people outside when he lives around dirty places and he compromises with dirt. I was very glad to hear the hon. Mr. Gichoya say that some of my health inspectors are as dirty as the cooks in the hotels. I think they are. I have seen some and, therefore, I cannot say no; that is the point. We should not compromise with dirt; we should always preach cleanliness and we should see that in this new Government of ours we have a new lease of life, a new message to deliver to people to be clean, to practice clean habits, to eat clean food, to sweep round their houses, to have latrines and to drink water which is protected. My Ministry has been trying to encourage cleanliness for so many years and people have heard the gospel of cleanliness for a long time now that they do not care, they are not taking any advice. I know that it is not possible

for our staff to cover the whole field. I know, for example, that in places it is very difficult for a health inspector to go from one market to another to inspect meat because the only means of travelling he has is a bicycle. Sometimes he goes on foot. In a township it is easy to inspect meat. In a township like Nairobi it is easier perhaps for the Municipality to keep the township clean, but I dare ask here now, is Nairobi as clean as it ought to be? I see shacks all over the road. Do I see dirt, do I smell dirty things as I pass around certain places in Nairobi? Yes, and this is the capital city which should be an example. They have all the water they want, they have all the money they want; and they have all the organization they want, therefore we should look at the subject a little more widely, because the people in the countryside are not so gifted as the people in the towns, and so let us clean our township here first, and then clean our countryside.

This Bill is not as extensive as some Members have made it. For example, we have been asked to consider certain aspects of health which I do not think comes under this chapter. This Bill comes under Chapter 249 in the Kenya Laws. I see that Members are asking us to go back to Chapter 242, consider the drinks, like water, and I have not even spoken of that good smoke which we call *bang*, which some hon. Members support, but I am not going to speak about it, nor *waragi*, because it does not come within the provision of this Bill. If Members want to consider *waragi*, we shall consider it under the proper headings. Dangerous liquids are to be considered under the Public Health Ordinance. This Bill merely intends to protect the public from contaminated food, from bad drugs, and from chemicals used by scientific people. It would not be out of place here if I mentioned some of the substances which are used in spraying our houses for mosquitoes, in spraying our coffee. If you come and examine them you will be surprised to find the amount of poison in them, and therefore it is the duty of my Ministry to protect the public from the ill effects of all these substances.

There was a time here, just after the last war when people began drinking a certain substance which was contained in a bottle. It was meant to be hair oil, but some people thought that it was very intoxicating and then you would find in River Road, people drinking this small bottle of hair oil until they fell down to the ground thoroughly intoxicated. That oil was made up of methylated spirits and when you put it on your hair, after a while it would evaporate, but I am very glad that this Ministry took immediate steps and took all the bottles, that were left in the

[Mr. Gichoya]

Another point I would like to bring to your attention at this time, at the risk of repeating myself, and also knowing that you have said I should not discuss this matter. As you know, an African is always respected internationally, whether male or female by the quality of his hair and when it is in its natural state and has not been disfigured he is very beautiful, more attractive and more pleasing than the other nationalities. It is a gift of nature that makes him appear more dignified and more pleasing than the other nationalities, therefore among the people who are supposed to be within the court there ought to be Mr. Speaker, Sir, a man who specializes in beauty. A man who has appreciation of beauty, in its natural state—Well my interest is, that I have a sister and I would wish her to remain beautiful, naturally beautiful. Mr. Speaker, I suggest, that in this Bill, we are aiming at having the representative of the Chamber of Commerce of East Africa, and instead we should have the Motion of the biggest hospital within Kenya, that is Kenyatta National Hospital, a woman who has experience in dealing with cosmetics to aid the African woman in achieving the beauty she so desires, but enhancing her naturally and not making her into an artificially beautiful woman.

The Speaker (Mr. Slade): For the third time, Mr. Gichoya, I have told you what is relevant in this Bill and what is not. If you persist in being irrelevant, in such flagrant disregard of my ruling, you will have to sit down.

Mr. Gichoya: Mr. Speaker, Sir, I think I will just get going, but in the right direction.

Mr. Speaker, Sir, I was saying that even a place where four Members can be appointed by the Government, here, Mr. Speaker, Sir, we need a person who really has the experience with various health conditions within the country, which means we should have even more people who are concerned with health, rather than to have people whose concern is mainly commercial.

Mr. Speaker, Sir, in order to allow other hon. Members to make their speeches and also to give myself time to draft my amendment I beg to support the Bill so long as there will be an amendment not to elect a representative of the Chamber of Commerce of East Africa.

Mr. Masinde: Mr. Speaker, Sir, I do not have a point to say here but there is one very important point which I want to mention. Unless I have the assurance of the hon. Minister for Health, I will oppose the Bill, because this is a serious matter in which we are giving the Minister a great deal

of authority. Nearly every Member of the House is in agreement but my worry is what will be the reaction of the public when we hand over these particulars to the police, will it become a dangerous situation for the Members of this House. When we talk of food, we have to specify what we are talking about, because it affects drink, and with reference to drink, I am talking about that which is largely drunk by Western Kenya people.

Whether it is illegal or not, the fact remains that here in Kenya today, particularly for those who come from the border of Uganda, where they have legalized *waragi* or Nubian gin, it is difficult for the police to control it because a person crossing the border goes to Uganda, buys a full bottle of *waragi* and the police cannot arrest him because with the East African Common Services and the East African Common Market you cannot stop it. Even the policemen drink *waragi*. Sir, in this case, unless we are going to be assured by the Minister that another Bill is going to be brought to this House to legalize *waragi*, I think we should allow the Minister to burn this Bill, because what is important now is that we have to realize what is happening in the neighbouring countries. We cannot continue to penalize our people if we know very well that whatever we are doing, we are not able to tell these people what is wrong with *waragi*. Even my father has said to me, "I have been drinking this stuff since before you were born, and I'm not dead. What is wrong here?" Even our Back-bencher, the hon. Ngalabok, is not able to tell us what is wrong with *waragi*. Sir, I think the Minister must suppress the two.

Here today, economically, our people are very poor and you cannot stop them from drinking, particularly those people who are working in the railways, in the godowns, who do hard jobs; they must have something to enable them to get to sleep. But they cannot afford to buy bottles of beer. One bottle of *waragi* costs only Sh. 6 or 8. And it is enough for eight people to drink and be drunk, but you spend a lot of money on beer for one person to be drunk. Because of this the beer today is only supposed to be for the highly-paid people, probably like myself or the Minister. Whisky or gin is the same; nobody can afford to pay Sh. 40 a bottle. Who can afford to buy this?

The Speaker (Mr. Slade): Mr. Masinde, would you just pause there to tell us what part of the Bill you are criticizing?

Mr. Masinde: Mr. Speaker, Sir, I am concerned with foodstuffs; I am emphasizing that

[Mr. Masinde] this should not be used to penalize people who are poorly paid; it is those who are supporting themselves because they are drinking *waragi*—

The Speaker (Mr. Slade): It would help the House and the Assistant Minister if you could refer to the particular clauses you think might be so used. What part of the Bill are you referring to?

Mr. Masinde: Mr. Speaker, I am referring to substance of food because that is one of the sections—

The Speaker (Mr. Slade): Clause 3, is it, "any person who sells food which is unwholesome or unfit for human consumption"?

Mr. Masinde: Yes, Sir. That is the thing. In this case, Mr. Speaker, Sir, I intend to oppose the Bill, unless the Minister assures this House that he is going to introduce another Bill to allow people to drink *waragi*—

The Speaker (Mr. Slade): Order, order. You must keep within the bounds of this Bill. It is no good hon. Members saying the public must be allowed to drink wine because this Bill does not touch wine, unless it is unfit for human consumption. It is food, including drink, that is unfit for human consumption, dangerous, which this Bill is concerned with. We cannot talk about other foods or drinks which are not dangerous. You must keep to the subject matter of the Bill.

Mr. Ngalabok: Mr. Speaker, since food includes all consumable materials and if a Member just made a mention that probably material was omitted and without having to find a clause for it in the Bill, would that be out of order in the debate, where the *waragi* comes in, an omission which was important?

The Speaker (Mr. Slade): I have pointed out that the definition of food in this Bill includes drink, but the whole Bill deals only with food which is poisonous or harmful, unwholesome, unfit for human consumption, and we cannot go on discussing what things should be sold or not sold to the public, which are not in some way dangerous to health.

Mr. Masinde: Mr. Speaker, Sir, if you can allow me to continue, the fact remains that *waragi* is not legalized; in other words, you cannot be allowed to drink publicly and, for that matter—

The Speaker (Mr. Slade): No, here again let me tell hon. Members we are concerned with

this Bill. If this Bill illegalizes a particular drink, it is because it is dangerous. If some other law illegalizes it, it is nothing to do with this Bill. We cannot discuss other laws under this Bill. Laws concerning the sale of liquor generally are quite irrelevant to this debate.

Mr. Masinde: Mr. Speaker, Sir, as I have finished and, in fact, you have helped my friend, the fact still remains, Sir—

The Speaker (Mr. Slade): I have tried to help the House!

Mr. Masinde: The fact still remains, Sir, that there are some facts, particularly on some other drugs and chemicals, on which I support the Minister very much, but on the point of foodstuffs, it appears that I have to bring up a completely new point and since this one is the most important one, I hope that the Minister takes note of it and that he will not take a long time, particularly if we legalize this one, to continue giving trouble to our people while knowing very well that we are doing wrong things to them, just because we have been slow to change some of our old colonial laws.

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

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

This existed because some big firms like the Kenya Breweries and those who sell things like whisky and brandy know very well that if *waragi* is legalized, these industries will suffer, but, Sir, we are not going to protect a few hundred of those Africans who are working in breweries and the money we are getting from Kenya, because most of these people are living on this stuff—

The Deputy Speaker (Dr. De Souza): Mr. Masinde, the Speaker has just ruled that the general laws of liquor are not applicable in this case and we are not discussing the general laws and we are only discussing the general laws of alcoholic drinks. We are only discussing of alcoholic drinks which is dangerous for human consumption, and I do not suppose you say that that particular drink you are referring to is, in fact, dangerous. It is not dangerous, but it is not relevant to this particular debate.

Mr. Odoyo: On a point of order, Mr. Deputy Speaker, I think the hon. Member is not contradicting the issue. I think what he means actually is for the Ministry to allow the breweries to brew this drink he is talking about, so that it can be purified for human consumption, instead

[Mr. Gichoya]

Another thing, Mr. Speaker, Sir, that I want to say is this: in our own districts, the remote areas where modernization has yet to come, we are faced with the food problem. I would say that an hotel is an eating place, yet you find on the board outside "Hotel". I think it is high time, Sir, that the Minister made a tour of his own district particularly and found out whether these eating places are really worthy of existence or whether they should be abolished, because a very filthy place is bound to spoil the food and make the food also filthy, as a consequence of the condition of the place where it is cooked and served.

Mr. Speaker, Sir, in our own districts, where the water system is not reliable, fresh food is bound to be made filthy by lack of sufficient water to clean the place which is used by the customers. There was a time, Mr. Speaker, when we were told that water must be boiled, water for cleaning utensils, so that the food that was served was not spoiled by the dirty utensils. Then you go to these little places—I am talking not in terms of Nairobi but in terms of the places where we come from. Kirinyaga is a very good example, and most of Gichugu. You find that these conditions are prevalent; and you find that the inspectors of health, those who are living in these districts, are more or less of the same standard as the food or as the filthy conditions. They do not know how to make a place clean. If they did, they would have forced the man who is serving the public to dress decently, have decent clothes, so that he does not wear filthy clothes, a man calling himself a servant of the hotel. These things do not need debate in the House; they need just their commonsense on the part of the Administration, on the part of the Minister for Health, to see to it that we get better conditions which, in future, will make us more healthy, like the Minister himself. Luckily enough, the Minister does not seem to eat in these small places, but in these big places where health conditions are adhered to. I do not even need to substantiate that because his income demands that, as a wise man, he must have something decent in order to live longer.

Now, Mr. Speaker, Sir, we want to live longer in the villages and since we have got a national Government it ought to be not only the duty of the health inspectors but also the duty of the chiefs, the district officers, the headmen, the sub-chiefs, to tell the public and not even to do that, but to go round visiting places and finding out whether the conditions are conducive to good health or whether these places should

be declared prohibited areas, where food should not be served.

Another thing is this, Mr. Speaker. In our own villages, where we have butcheries all over, when a cow has been butchered, you wait for an inspector to come and inspect the carcass so that it can legally be consumed. Yet you do not get him perhaps for a number of hours. Slaughtering hours are in the morning, but this man, who is employed entirely for that purpose by the divisional council, the area council and the county council, spends so much of his time going round in the villages drinking that, after getting the report that So-and-so is wanting to slaughter his cattle in a particular village and that he should come and examine it, find out whether it is good for human consumption or not, after that information has been sent to him and the slaughter has already been done, that man does not appear. This reflects, Sir, on the degeneration in the Administration machinery, so far as health is concerned.

It would be wrong, after independence, more so after our becoming a Republic, that our services must be so slow, must have so degenerated, that you cannot be proud of them. Now, when the man who is supposed to examine the animal comes, three or four hours after the slaughter, the files have already been feeding on that particular animal. And yet he comes and he passes it as all right because he does not see the tapeworms; he has got to examine certain parts of the body to find out whether it is O.K. or not, but the actual disease which has been put there by these files cannot be examined.

Consequently, you find that our society is now deteriorating in terms of health, and instead of producing healthy children they are now becoming very thin children, very poor children. This is a duty for the Ministry dealing with our health conditions, that it must do something about this pathetic situation.

Now we have seen, Sir, that the animal which was in good condition for human consumption, because of the delay in the administrative machine, in the examination of the carcass becomes a rotten animal. And we have to cry it, there is no doubt about it, because we eat it and believe that God will help us even if the medical authorities cannot. That has been the position. I think it does not argue a very good attitude on the part of the Administration.

I see here, Sir, we are told that, in order to get this Bill supervised properly in its operation, there will be a number of members on the board. Now I see there is provision for one member representing the food packing industry.

[Mr. Gichoya]

I do not think, Sir, that it is necessary for us to have someone representing this industry. What is needed is to have at least two Members of Parliament on that particular board, and so long as the Health Department does give a leg up to the packing materials I do not see that we need a commercial man, who would see that they really be allowed, by the operation of this Bill, to play with the board. If he is on the board, I have got the same fear as the hon. Mr. Ngala-Abok, when he said that this man is bound to restrict the operation of the Bill by trying to be clever enough, in order to safeguard his own industry.

Here, the Minister should not safeguard the industry, but human society, which has put him in this particular place. It is not a question of safeguarding the commercial houses; you must safeguard the local people, the consumers themselves, first. It is the duty of the packing industry to manufacture things according to specifications given to them by the Ministry of Health; it is up to the leaders of this industry to come and state to the Ministry, that such and such a way is the only good way for it. The Ministry must be in a position to know that such and such a substance is bound to spoil the beauty of packing and not for that man to come and justify his own wrong ways within the board, saying that they are very good, that when you pack things this way and that way it is the best way. We do not want these things. We want the Minister himself and cool-headed Members of this House to be on the board, along with the technicians on the side of the Government, particularly those on the health side. I see we have a number of them; they have been enumerated.

Again, I hear too that we are going to have as member nominated by the Association of Chambers of Trade of Eastern Africa.

Now, we need these because they give advice in terms of drugs that are bad or drugs which are good. We state that clean paper which has been approved by the medical authorities should be used. Do you need advice for that? A Bill of this kind must be carefully planned and constructed, and if there has been pressure from the commercial circles that unless they are represented in the Bill, they will not respect the Bill passed by this House, I do not see the point of having the Chamber of Commerce within the committee dealing with health. Commerce deals with trade, which is the market for the goods, but it does not deal with the health conditions of our people. So this one must be deleted and if it

means adding a Motion to amend this one, I think I am about to do it, Mr. Speaker. I do not see the point of having the Chamber of Commerce being represented in the Ministry of Commerce and Industry. With regard to the Ministry of Health, I would even suggest that a teacher be placed there and not some of these people involved in commerce, a man who knows hygiene.

Mr. Speaker, we have doctors in the Back-benchers and those could be incorporated within the committee to advise on medical problems.

Mr. Speaker, Sir, whilst still continuing with my speech I would like to take this opportunity to seek your advice, if I am allowed, as to whether I should put a Motion immediately to cut off this one Member of the Chamber of Commerce.

The Speaker (Mr. Slade): As long as you give written notice of your proposed amendment before the Committee sits you are able to move it in Committee.

Mr. Gichoya: Thank you, Sir. Mr. Speaker, Sir, that is my intention and I hope that the hon. Mr. Ngala-Abok will second my amendment to delete completely this particular clause which allows the Chamber of Commerce to go into another Ministry, as I do not see the point anyway, Sir.

Mr. Speaker, Sir, what more important is that we do not use newspapers for packing our meats, as these second-hand newspapers have passed through so many hands. If you go to the villages you will find that this is the type of paper which is used to wrap our meat and I would like to ask the Health Ministry at this time, whether they have really concerned themselves with our food and our health. If the Minister could assure this House that materials used to wrap meat could be specifically enumerated by the Health Ministry and given for exhibit to the office of the chief, who is the smallest man within the administrative services and ask him to see that the people who are selling meat are advised as to the proper wrappings. In other words, an inspector of health should go to these areas and see to it that the proper materials are being used for wrappings, instead of these newspapers, where there is ink which has been used for printing. This ink is poisonous, and the Ministers have not even taken the initiative to find out whether this poisonous ink is endangering the health of our people.

Now, the Minister is healthy because he eats in places where the people of those hotels and restaurants abide by the regulations set up by the Ministry of Health, but what about those people, who cannot afford even two lb. of meat per day, those who have meat once a month or once a year, their health must also be preserved in the interests of our nation.

[Mr. Ngala-Aboki]

not going to criticize whatever clause I see, but I would like to mention here that if the Pharmaceutical Society is advising the sales of drugs and the business in drugs, and drug preparations and so on, the Minister is going to nullify what they intend to justify in the Bill. If you are going to appoint a member from this particular society to the board, then this member will know all the time how to manoeuvre other members who may not have pharmaceutical knowledge in the board, so that all the time they are operating, they may find time to visit the industries which are regulated in the Bill, so that the members of the board will tell them to make themselves very clean and then prepare the drugs which they know and which they have tested and they are justified to be correct, but all those drugs that they prepare in a hurry or the drugs which are prepared by half-educated people, this Bill will not expose. It will only expose those people who they have known to be scientifically up to date. I do not know whether the Minister is going to justify appointing a person who comes from a body which is controlled by the provision of this Bill. This is the basis of my argument. This is wrong. If you are supposed to deal with the person who is represented on your board, on your committee, on your political party or on your ideology, neither he nor his business should get any representation on such a board.

Mr. Speaker, Sir, I do not think that I have much to say, except that now I would like to speak on the advertising. I think the Ministry of Health should consult with the Ministry of Information, Broadcasting and Tourism on the advertising system, because if you now go to the Kenyatta National Hospital, for example, for tuberculosis treatment, you find that the medicine you are given for the treatment of tuberculosis is not the same as that which would not be given to you had you gone to a chemist. Do we understand that some of the drugs which are bought from the shops are merely advertised under different names to ensure that people buy them? This is why our Ministry is so worried about the advertising. Aspro, and in my own experience I have not known Aspro used by any qualified physician as a prescription for a patient unless it is just a case of a headache, which has not arisen from an illness or from any viral infection, like an infection of the throat or from any chronic condition, but a mere headache probably due to fatigue.

But with just a case of a mere headache, probably due to fatigue, this is where a qualified

physician will prescribe Aspro for you. We would not like to give publicity to drugs which are unknown in our own Medical Department which are unknown to our own senior medical specialists, which should have under its control, as far as the Ministry is concerned, all the sales and the advertisements which are meant for financial gain, because I know that if we have an agent here, a businessman, his intention should not be so loudly advertised unless our Ministry, with its specialists, has approved of its products. We do not want to see these drugs, which are not of so much value when we go to our own physicians and see what they prescribe, consuming the salary of our taxpayers here. Our physicians have not approved of these drugs and in the majority of cases they are not prescribed for you. You find the agencies taking a lot of time on the radio and on television getting these things advertised. I think the whole thing is a mess and these things will not work unless the Ministry is satisfied that the medicine is popular and also down to earth and is not being used to try to cure a headache which is of a chronic nature associated with a chronic, vital disease from which a person is suffering.

Mr. Gichoya: Mr. Speaker, Sir, I have just a few things to suggest to the Minister and the first one is in connexion with clause 28 where it states that—

"The Minister, after consultation with the Board, may make regulations—

(b) respecting— . . .
(iv) the use of any substance as an ingredient in any food, drug, chemical substance or cosmetic or device . . ."

Mr. Speaker, my consideration has been directed to that particular clause in connexion with the situation which has already been described here by a number of Members, relating to cosmetics. It is high time that the Minister should issue instructions: I am trying to find out the exact disfigurement of these girls or ladies in this country, after using certain cosmetics. It is a general thing, Mr. Speaker, Sir, and you do not need to try to ask for a case, a specific case. The Minister, if he really is a Minister for Health, and has made it a point to find out what the conditions are within the country, more particularly Nairobi, might have come across the cases of a number of girls who otherwise, in their normal, natural condition, are very beautiful, very charming, Sir, but who after putting on the new make-up, cosmetics, find that their faces have changed and the changes are as

[Mr. Gichoya]

for the better, but for the worse. Yet they still continue to put those cosmetics on their faces, so as to attract men; and with most of them this comes about as a result of the health conditions of the country, in that prostitution has been allowed to continue openly, and the Minister for Health has done nothing. Mr. Speaker.

The Speaker (Mr. Slade): Mr. Gichoya, are you concerned with the physical injury which is done by cosmetics or with the aesthetic or moral issue? Because this Bill is not concerned with either of those things; it is only concerned with injuries caused by bad cosmetics. I rather think you are saying that there is something wrong with some of these ladies who wear cosmetics, regardless of any physical injury caused, and that is outside the scope of this Bill.

Mr. Gichoya: Mr. Speaker, Sir, what I am trying to do is this, to explain that certain cosmetics are not made actually to suit the conditions of Kenya or, for that matter, East Africa. Consequently, their adoption in this country be- comes injurious to the health of the people and this Bill is meant, Sir, to see to it that anything that is injurious, either through adulteration or by its own nature, should not be allowed to be used in the country.

The Speaker (Mr. Slade): I take it you mean physically injurious.

Mr. Gichoya: Yes, Sir. Here I am saying this, because I have seen a number of ladies, whom I knew previously, when we were school mates, either at high school or, particularly, in college, in their former condition, without this colour which they are trying to put on their cheeks and on their eyes, and without this change of hair which they are trying to achieve by chemicals, they were really beautiful, but it is up to the national Government to safeguard the beauty and the dignity of the people of the country.

The Speaker (Mr. Slade): No, Mr. Gichoya, I am sorry but you are still wandering away from the point. It is quite true what you say, but this Bill is concerned only with the physical health of people, not their morals or even their beauty.

Mr. Gichoya: Mr. Speaker, Sir, I am still just dealing—I will not deal with the moral aspect of it, but I will deal entirely with the physical aspect of involvement of these people.

I think hair is a part of our physical beauty.

The Speaker (Mr. Slade): We are not concerned with physical beauty, but with physical health.

Mr. Gichoya: Mr. Speaker, Sir, you are correct; hair is a part of the healthy component of our body or healthy aspects of our body. A man with a good head of healthy hair is equally physically and mentally strong; and here we find that, when these ladies have changed their hair, their very conditions of physical health are completely changed. They lose their hair, their hair disappears; and this spoils the health of a human being.

Mr. Speaker, Sir, if the Ministry could at least learn from the experience of the past few months, it would definitely not require this Bill to be passed before the Minister issues directives to all concerned, whether it is the police or the district commissioners or the medical officers, telling them that these things are not conducive to good health in the country.

The other thing, Mr. Speaker, Sir, is this. There is an element of exploitation, nationwide exploitation, Mr. Speaker, by the encouragement of cosmetics. We need drugs, because we do not have our own factories to manufacture them, but cosmetics; for heaven's sake, we do not need them. We have natural beauty.

The Speaker (Mr. Slade): Order! That is not the point of this Bill. This Bill accepts that people may buy cosmetics; it only protects them against buying injurious cosmetics. We must stay on that.

Mr. Gichoya: Thank you, Mr. Speaker.

Now, it has been pointed out that some of these foreign cosmetics are injurious to our health, yet so much money is being spent by our people on buying these foreign cosmetics, which are not meant for our own health but have proved to be detrimental to it. I suggest, Sir, that the Minister should do something to prevent them from coming to this country.

Mr. Speaker, I think I had better explain to one of the ignorant hon. Members, who says, "How does it spoil our health?" It has been made very clear here, not necessarily by the Member for Gichugu but even by a Minister of the Kenya Government, that these things are very dangerous. Funny enough, he might have a sister and that sister might have been disfigured by these cosmetics. So in order to prevent others from falling into the same trap, he has just confessed in this House the dangers of these foreign cosmetics. I need not add more to that, because that has already been properly explained. Perhaps the hon. Member was so ignorant of the language that was being used that he could not get even the gist of what was being said.

[Mr. Ngala-Abok] person who labels, packages, treats, processes, sells or advertises any drug in contravention of any regulations made under this Act, or in a manner that is false, misleading or deceptive as regards its character, constitution, value, potency, quality, composition, merit, or safety, shall be guilty of an offence." Now, Mr. Speaker, this is vague in one sense: that we have not gone into the roots of what would make the person prepare a drug, for example, or prepare food which is adulterated or which the Ministry of Health may find not to be good for human consumption. To give another example, if one went to many of the restaurants and hotels in the towns of Kenya today or in the city, one would find that, first of all, the sink just near the person selling the beer or preparing or roasting meat is so filthy that nobody would wish even to wash his hands in it, even if he meant that they may be clean. This may mean that the man preparing the food has very good intentions; he does not want to adulterate the food, he does not want to touch anything that would adulterate the food, but because attention has not been paid to the sink, attention has not been paid to the latrines or the drains, or the things that would bring adulteration have not been looked into, this adulteration is going to take place definitely, and this Bill will do nothing to prevent it.

I think that the Ministry of Health must first of all go according to speech, throughout the city, to see what standards exist in restaurants and hotels today. We are not going to ask our people to make a lot of money because we have freedom and independence. We want to save the lives of the people, and if anybody is given a licence to run a society we must go to the very foundation of how, what we called an adulterating urgency, or what would make us seek, in terms of an organization, to prevent it? If we cannot prevent it then what should be done is to teach all those dealing in the preparation of food and drugs to be hygienic, especially when a certain medicine is being prepared. We will not prevent disease by means of disposing anything that has happened and many hotel-keepers will find themselves guilty for reasons which are not their own, and, Mr. Speaker, Sir, ignorance does not enter into this. I would not go before the court and then be prosecuted and then be convicted because it was alleged, that I was not aware, that our sinks are kept clean, the latrines are kept clean. Now, if we went to the Panafic Hotel or even to the Ambassador Hotel or even if you went to any other of the hotels you would see that all the latrines are

clean and everything is swept clean, so that we should have no reason whatsoever to find food or anything that is touched by a person adulterated. We have not seen here what the Ministry of Health is going to do to prevent these adulterations. We have only seen that if an owner of a restaurant, or anyone is found preparing drugs or food, and the food is adulterated then it is a human offence. We would like the Minister for Health to tell us how the Minister would be justified in prosecuting a person who has been found with adulterated food, and who would explain before the court of law that this food was adulterated by the person, when the person knew that it was adulterated. I do not think that this would be justified.

The Minister for Health does not see to the latrines, does not see the villages, does not see the drains nor does he see to all these places where you could get your nails contaminated. He does not look at the nails of the person who is preparing food. For example, if we went to the Kariakoo market, then we would see the majority of the people here, including Ministers, going to the market to purchase some meat. This meat is prepared by the people there, and it is alleged to be clean, but if you look at the nails of the person who is preparing this meat then you would see that they were dirty. This could be looked into although I know it is not easy to keep somebody's fingers clean by force, but it is important to prevent the person from being licensed or for being authorized to sell food before he is told what he has to do. I think that the Minister for Health must be vigilant with the people who do not keep the rules of health, because so many people will be found guilty for reasons which are not known to them. It is really very shameful to see what is happening in many of the hotels owned by Africans and Asians, where adulterated and rotten food exists, as a result of lack of knowledge of elementary hygiene.

Personally I would not like to go to, for example, to the New Avenue Hotel. I have no money for such a highly-advanced place. I would like the simple polish off in a faithful attempt, and this must be enforced by the Ministry of Health. I want to agree with the Bill which states that if food is adulterated, if you have found that it is adulterated and it is not good for human consumption, you have been found guilty. Now, if you are found to be bartering a lot of rubbish, you will be guilty. This is a basic foundation. If you are found to be guilty, if your latrines, sinks, drains, and your corners

[Mr. Ngala-Abok] are full of cobwebs, then all this rubbish will be labour organisms which will adulterate. Could we know whether the Ministry of Health is practising the law of health? I think that the Minister should explain this, because at the moment it is too superficial, although I support the Bill, because—

The Speaker (Mr. Slade): Mr. Ngala-Abok, I think you may have overlooked clause 7 of the Bill.

Mr. Ngala-Abok: Thank you very much Mr. Speaker, Sir, but I have looked over this Bill very carefully to enable me to speak the way I am, but this clause 7, also, Mr. Speaker, Sir, deals with the subject I am about to talk about.

Mr. Speaker, Sir, a man keeping a hotel or preparing food, working in a variety of conditions is what the Minister for Health is concerned about, and this is miserable. Even after my speech tomorrow, if one went to the hotels which I am referring to, which is catering for many of our people, he would find that what I am saying is actually going on. If this had been taken into account by his Ministry, he should consider most of these people who are trading these drugs are prepared and food is prepared. I am not referring to cosmetics. Mr. Speaker, Sir, I am trying to warn the Ministry that what is happening in those places is terrible. There is no point in passing a Bill here, and then tomorrow finding that even a glass of beer has been handled by dirty fingers, and you can see the fingerprints. If this were so it would contain many organisms and were it to be analysed then it would be seen that it contained many organisms from the person who handled the glass that can kill, and has killed many, and this is what I was referring to. I do not want to dwell on that topic for a long time.

Now, Mr. Speaker, Sir, I would like to go on to the membership of the board, which is clause 27. Mr. Speaker, Sir, could I ask the Minister when answering to explain what the five Members appointed to represent the Government will represent? On what basis will they be represented? The rules are not important Mr. Speaker, Sir, but in what capacity and how will the Minister appoint them and what will they represent? What will be their knowledge and which departments will they represent? I believe that if anything is to work, then the people who are supposed to execute the Bill, which I think is the membership of the board, must be the people that are actually going to understand this, and people who are going to work according

to the direction of the Ministry under which the board will be instituted. I just wanted to know what these members are going to be and what departments they are going to represent, and on what basis is the Ministry going to appoint them to represent the Government?

Now if we can go to clause 27 (d) where it says: "any member representing the food-packing industry". It is this packing industry that may adulterate mostly, and probably it is the packing industry which is at fault. Many of our boards have been formed because of having representatives from boards which this Bill is supposed to deal with. I think it would be better, when appointing the members of these boards, to think that if they were to deal with Parliament, then it would be unwise to appoint a Member of Parliament as a member of the board. We would like to appoint a person with expert knowledge of the food-packing industry who is not a member of that packing industry. This board may authorize anyone with packing knowledge to go and examine the packing industry, see the conditions of packing, and see whether mistakes are being made by the packing industry. This will enable the board to work efficiently towards the packing industry, but this—in mind of the packing industry—means that all the time the board is going to fight, instead of the board trying to work and execute the Bill, as it speaks for itself, the board will find that there are representatives who have come there, who have come to represent interests of the packing industry, or the interests of the drugs and chemical industry, and all the time there is going to be a paragon for talking on an Agenda, with vested interests and tactics to weaken the provisions of the Bill. This is always going to confuse the execution of the jobs on many of these boards. Personally it is agreed that by appointing a person, a member of this board who comes from the food-packing industry, he must have an interest in it. It is better to appoint a person with knowledge of the packing industry, than appointing a person who all the time will be defending his industry and will not accept anything that the board may want to say, but will all the time be opposing the deliberations of the board as far as the packing industry, or any other industry, is concerned.

Local Authorities are better because they are a part of Government, and it is much better to get a person who is representing local government. Now, Mr. Speaker, Sir, this is the same. It is still clause 27 (h) which states that: "one member nominated by the Pharmaceutical Society of East Africa". I would like to say that I am

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fact that in plenty of villages people still have no quick access to a doctor and, therefore, Mr. Speaker, they are reduced to having to buy drugs and other things, and to apply them to themselves directly. They therefore go by the directions which are given on the sheets advertising these drugs. We hope that these drugs which are now in common use will be quickly checked by the Minister; he need not wait for a complaint because it is really so very obvious that what is claimed on these sheets just could not be true. On the other hand, Mr. Speaker, I think we should appeal to all our medical people who are in the field also to help in explaining to our population what drugs normally should be used for what ailment. This might be one other way, by spreading education about drugs, of limiting the market for this erroneous advertising.

Now, Mr. Speaker, in the case of foodstuffs, what really is shocking—I do not know whether it will be covered by this Bill—is the fact that although the foodstuffs which are sold here, particularly fresh food, may be in a good state when the wholesaler sells them to the retailer, particularly in our cities, after paying Sh. 2 for a pound of meat it is then wrapped up in a newspaper which is collected from anywhere. This is the most efficient way of spreading diseases, Mr. Speaker. I would, therefore, hope that under the section dealing with foods it will not only be adulteration of the food as such but that the conditions in which it is served may adulterate it, even if the meat, for instance, was examined when the cow was slaughtered, it is unfortunately true that between that time and the time it is served to us by retailers it will become adulterated because, believe it or not, Mr. Speaker, these people collect these newspapers from anyone who will take them to them and they pay a few cents for them, and they do not mind where newspapers come from. I would have thought that at the very high price we have to pay for foodstuffs here, particularly meat, which again of course really is unfortunate in a country which grows so much foodstuff, the little cost which the retailer would go into in buying proper wrapping and packaging material for meat and other foodstuffs, would be justified, and it might be perhaps under this Bill that the Minister will help us by insisting on proper conditions for the service of foods which we buy in town.

Mr. Speaker, I know you have ruled that the Bill where we deal with cosmetics deals only with adulteration and that it does not deal with

complete prohibition of the sale of these things, but perhaps it is in this wide field, Mr. Speaker, that we have the best example of straight-forward, sheer exploitation based, once more, on ignorance. We know—and it is important for us here not to deceive ourselves—that men and particularly women, being women, putting the whole pursuit of beauty as priority number one in their lives, they will use and will seek to use any cosmetics that anyone will manufacture, so long as he can persuade them by use of example, by television advertising, by every other form of advertising, that this particular substance has the potency, has the quality to change their complexion, to change their outlook generally, in a certain way. Therefore, Mr. Speaker, let us be realistic. The stuff will continue to be used, and it is as bad as the old people who wanted to limit alcohol for anyone to stand up here and seek to ban the use of these substances altogether. As we have learned from the efforts of various countries to restrict the consumption of drinks, we must also learn that in this particular case the question of total prohibition is out of the question. What we should seek to do—and I believe this is what this Bill empowers the Minister to do—is to be able to check the chemical content of these make-ups, these cosmetics, which are now being sold under various names, and particularly, Mr. Speaker, to use this section of the Bill which allows the Minister to take action if it is found that the substance has a bad effect on the skin, for instance, of the user.

There are substances which are being sold in towns and other places for the straightening of hair, for instance. Some of our young girls who, through no fault of their own, must follow in the tradition of their sex to seek beauty, buy these substances and they smear them on their head, and they go bald. This having happened, it is a serious misfortune, Mr. Speaker, but it is rather more for pity than for anything else. This having happened, one would have thought that in general circumstances the rest would learn from the example, but they will not. The urge to pursue beauty is so great that whatever the risks, they will be taken. So, Mr. Speaker, I would have thought that on these substances, whose effects are already obvious on so many people in this town when you just walk around, the Minister might be able to take action quickly, virtually without waiting for any complaint to come about, because it does offend against the whole concept of integrity on the part of the businessman who, seeing these effects on his customers, still continues to utilize the advertising media in this country, to continue to tell the unfortunate young

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ladies that this substance is still good for you, irrespective of the obvious examples that we see. Mr. Speaker, this brings me to my last point, and I think this is strictly connected with these matters: the advertising, the way it is done, the media which are used. I know that some people will think that we are being harsh, but I think the time has come for complementary action to be taken to ensure that the purposes of this Bill are fulfilled. The complementary action in the field of the control of the use which can be made of the advertising media which are available: the newspapers, the radio and particularly these days, of course, the television. It is a great pity my friend, the Minister for Information, Broadcasting and Tourism has just gone out, but I know this is in his own mind. However, the time has really come for whatever board that supervises the advertising on television to ensure that at least now this medium has become State-owned. It should not be the thing to be used to put over information which we may have reason to suspect is false or is badly exaggerated. This should also apply to newspapers. In that way, Mr. Speaker, we shall save the unfortunate people, the unsuspecting public who take what is advertised as being the gospel truth and go ahead and apply it without any check. This, Mr. Speaker, would help to make the purposes of this Bill effective, otherwise the Minister for Health, who is going to try and carry this Justice out, will be in a situation that will happen is that, when he has taken action against one of these people advertising substances which are wrong or which are bad or which are destructive, that opportunity will be used merely to advertise further other substances. Other people will claim, "Now, look, So-and-so was charged because he was selling a very bad substance; we are the people who are selling a better substance," and they will take that opportunity to further their own markets of things which may be very similar to the ones that have been discovered to be wrong. It means that we shall have a kind of vicious circle with the Minister for Health chasing a few people, such people as he can get hold of, while others will continue cashing in on the ignorance of our people.

So, Mr. Speaker, I really hope that my friend here will seek the help of his colleague, who is in charge of the information and advertising media, to ensure that at least the television, which is State-owned, is not used for the purpose of furthering the advertising of drugs, cosmetics or foodstuffs which have been discovered to be entirely wrong. I also hope, Mr. Speaker, that

we can take the opportunity, of course, always within the law of libel, for the hon. Member of this House to speak out on this very great evil which threatens our society, this evil of advertising in a way that involves, telling half-truths, which is a thing which has become a very serious risk to the whole culture. We are in the process here, Mr. Speaker, of importing what in some other parts of the world was described as yellow culture, and it is time that if we want to preserve a certain sense of dignity in the tradition, in the culture of the Africans, we ourselves made it our responsibility to educate our own public, as I said always making sure that we do not get into trouble with the law by identifying too closely any particular item.

Mr. Speaker, with these very few words, I support this Bill.

Mr. Ngala-Abok: Mr. Speaker, Sir, I stand to support the Bill very strongly and to congratulate the Minister for the wisdom that has prevailed in his mind to prepare such an important Bill.

Naturally, Mr. Speaker, it is not just enough to support the Bill without observing some clauses which may not be very helpful; whether the Bill is important or not, it is important to see certain sections of a Bill which, in the view of a Member, may not be very helpful to the Minister when he comes to the time when the Bill starts working. I do not disagree with many clauses, Mr. Speaker, and I think that this Bill is both timely and important for the country, but I would like to say generally that there has been a lot of vagueness in the Bill. Particularly in many clauses, I observe that it is stated that a person who fails to prepare food—I am now talking about food as, an example, although this is a general observation—

The Speaker (Mr. Slade): Which clause are you referring to, Mr. Ngala-Abok?

Mr. Ngala-Abok: I was making a general observation on many of the clauses. The clause regarding drugs, cosmetics and food—

The Speaker (Mr. Slade): You were just going to quote something.

Mr. Ngala-Abok: I was going to quote something. If you want me to read a clause—

The Speaker (Mr. Slade): When you quote a passage from the Bill, it helps the Minister and every hon. Member if you refer to the clause you have in mind.

Mr. Ngala-Abok: I am going to quote one. For example, clause 9 under "Drugs" says, "Any

[Mr. Kall] our girls who are trying to look more un-African than even non-Africans, by trying to apply all sorts of chemical substances to make themselves not Europeans or Asians, but something more than that. With all due respect to African girls, I want to say a few things about them. I am glad that I can see the matron in the Chamber and I think she takes this seriously. Although we are supposed to be people living in a free country, I do not think that the Minister can disagree with me that nobody is free to perish in this country and one of our biggest responsibilities is to look after the welfare of our people, their health in particular. Now, Mr. Deputy Speaker, Sir, this question of bleaching hair and bleaching skin and what not, originated from a country where a section of the people happen to be black and they are so frustrated after so many years of segregation, discrimination, socially and economically and some people have used this situation to make money, by that I mean the United States of America, where we have approximately 20 million black people. Some white people know that by sort of exploiting that situation and by using their scientific knowledge they could make up some chemicals which would bleach the hair or skins of the community, particularly the Negro girls and therefore they try to get as much money as possible. Now, this thing has spread. First it started in South Africa and now it has spread all over Africa. I remember on one occasion in London, Mr. Deputy Speaker, I attended a party somewhere where we had a good number of African girls and men, then somebody, a friend of mine asked me: "why is it that the African girls' hair differ from men?" I was so embarrassed I could not answer. The difference is that our girls have allowed themselves to be victims of the money mongers. They just go to the shop and buy chemicals, they bleach their hair and some of them even look like rain-soaked rag, if you look at them.

Mr. Deputy Speaker, Sir, I do not think our girls are ugly.

An hon. Member: They are very beautiful.

Mr. Kall: I think we have very beautiful girls. When they go out they do not have to worry about the rain or the wind blowing. You do not see them doing like that, they are so intact, so nice so natural too. There is nothing better than being natural. We should try and we should force our people not to try and be artificial and I therefore charge the Minister for Health and Housing to issue directives through

our matron, through our beautiful girls not to try and spoil their natural beauty. Mr. Deputy Speaker, Sir, I am sure some of the merchants who sell these chemicals will not like this, but we are not here to please exploiters we are here to look after the welfare of our people come what may, so I was going to suggest instead of even forming this board we should stop these chemicals from coming into the country. These products could never be found in Europe or even any part of Asia. It is only something manufactured to exploit the African, because they know that some Africans suffer so deeply from an inferiority complex because of the colour of their skin and think they are very unfortunate to be born black. That is not our policy, we are very proud of our colour, we are very proud of our hair and we want to keep it as it is; we do not want anyone to bring drugs to spoil them. I believe that the only thing therefore, to do is to ban all these drugs and chemicals from entering our country. I do not see why we should spend so much money setting up a board, what for? If this medicine, these dyes, or what not, if they were good drugs, why are they not being used in our national hospitals? Why? We do not want anything which is meant to exploit our people and disfigure the faces of our girls. In my constituency you find so many boys playing records, attracting girls, telling them these drugs will make you more beautiful, lighten your skin and this and that. Now, is the time to ban this type of thing. We are not going to allow these kinds of things and Mr. Deputy Speaker, Sir, I am opposed to setting up any board, whereby the Government or the public will spend a lot of money for nothing.

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

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

We have got laws, existing laws which can ban all these things, so why set up a board? What for? We have doctors, experts, technicians who can tell you that these drugs are not good for the skin. So, Mr. Speaker, Sir, I want the Minister not to burden the country by establishing a board to look after these things because we already have laws which can do the job.

Now, I come to the question of food and here Mr. Speaker, Sir, I want to mention one item and that is meat. We know we have Kenya Meat Commission, in which we have expert inspectors so that all the meat we buy from the shops is quite safe for everybody. But, at the same time we have people from Ngong and Kikuyu, who usually bring meat from

[Mr. Kall] which has been slaughtered in the city and it has not been inspected by an authorized person and, as a result, we have so many people infected with worms in the city. So, Mr. Speaker, Sir, I think this should be stopped and I think the Ministry and particularly the Health section of the Ministry is very lax. You have only to walk into one of the restaurants here to see what is happening, they do not care. Whenever an inspector is taken there they are just taken to the back of the hotel or that restaurant, given a few bottles of beer and that is the end of the inspecting, they certify it to be O.K., clean. Now the Minister has to be careful and more serious than he has been hitherto.

With these few words, Mr. Speaker, Sir, I support the amendment.

The Speaker (Mr. Slade): What the hon. Member has said about the use of cosmetics may be interesting to hon. Members, but in case Members are tempted to follow it up too much, I would point out that we are dealing with a Bill which is described as a Bill to make provision for the prevention of adulteration of food, drugs and chemical substances, and not to prohibit the use of cosmetics altogether. If hon. Members wanted legislation of that kind, I think they would have to seek a separate Bill from Government or else move a Special Instruction to the Committee of this House to enlarge the scope of this Bill. Now we are concerned with adulteration, rather than the principle of cosmetics or no cosmetics.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Speaker, I did, in fact, intend to speak on what you just read out of order, but I do not think I would be out of order if I spoke about advertising because in the Bill the intention also, as is said, for instance, in clause 9 is to make sure that if the advertiser claims that a drug has certain potency or has certain qualities, he should be able to show it and that the Board in question would be authorized to make sure whether or not he is telling a lie; I think I would be in order in that, Mr. Speaker.

The Speaker (Mr. Slade): Yes.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Speaker, I am keen to bring out this particular aspect because as it is today it appears to me that we, in Kenya, now run into trouble, as has happened in so many other developing nations, where a few people have made up their minds that they

will, in fact, make money by and large through the ignorance of the customer. Mr. Speaker, all of us in this House do know, for example, that in the field of patent medicines, drugs, in the advertising that is now done in the African villages up-country it is always claimed that certain drugs have potency to cure virtually every conceivable disease. You will hear, Mr. Speaker, an advertiser who has food-speaker vans, and who will stop at an African market and, using people who are very persuasive, will proceed to explain to the whole ignorant population—I mean ignorant of the contents of the medicine, not ignorant otherwise—that this particular drug will cure virtually everything: from headaches to malaria, to any stomach troubles, to pneumonia, to anything, virtually anything. Others, Mr. Speaker, claim that the speed at which they will cure you is just a little short of a miracle.

This is what is happening here, Mr. Speaker, and a handful of people are making fortunes out of the sheer ignorance of our people as to the potency of these patent medicines. In every country one knows of in the world there have been efforts to control the process of advertising. This is very important and what I really hope, Mr. Speaker, is that the Minister in charge, once we pass this Bill, will quickly crack down on these people and ensure at least that what is claimed for these drugs has some relevance, some relation to what actually those drugs are able to do. It is pathetic that so many people take what is advertised as being true. For the reason, Mr. Speaker, that they have no other way of knowing whether or not these things are true. I, personally, would have no other way; I am not qualified to analyse these substances. If it was not possible for me to consult a doctor or go to hospital, if I lived in a remote village where I have to buy patent medicines, I would be entirely dependent on what is put on the little sheets of paper circulated or otherwise what is passed by word of mouth by the people employed to advertise these drugs in the market places.

So, Mr. Speaker, as well as having the law, the Minister will need to come out with a positive statement that we shall take a very serious view of the few individuals who have very organized campaigns to make fabulous sums of money out of the ignorance of the people, and not only out of the ignorance of the people, Mr. Speaker, but out of the present situation in Kenya where medical facilities are limited, through no fault of ours; we are trying to do whatever we can to improve them, but it is unfortunately still the

[Mr. J. M. Karibali] will be in charge of this should investigate and checks up whether any chemical substances in a particular firm is used to a greater extent than is intended, because it can be very dangerous in the way of human consumption of food in the future.

Now, Sir, I can also see here in this clause 23, that "Any person who sells any chemical substance which—"

(a) is not in accordance with the professed standard under which it is sold; and

(b) resembles in a manner likely to deceive any branded chemical substance sold under a professed standard,

shall be guilty of an offence."

Here again I would like to emphasize very strongly that there might be some chemicals brought from foreign countries. They come into this country through customs and they come in through Mombasa. I understand that in the past this could not be checked, because there was no established board to check these chemicals.

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

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

It will remain the responsibility of our Government from the day we pass this Bill to see that they do not let chemicals from foreign countries enter this country before they are checked by this board and before they are inspected by the health authority. You will find quite a lot of foreigners bringing these chemicals here and because there was no check in the past we do have quite a lot of them.

We should not also content ourselves, Mr. Speaker, by saying that from now on we will be able to check whatever comes in from foreign countries in the way of chemicals or of drugs; we must also go into the details in trying to ensure that even what has been brought into this country in the past is also accepted as being satisfactory by this board and by the Government so that we avoid any foreseeable danger in the future. I think that clause is very important, Mr. Deputy Speaker.

I would like also to emphasize something else in section 30. I can see that the most important person here, in the administration of this Bill, will be the medical officer of health and the health inspector. But, Sir, from my experience in the day-to-day administration of public health laws of this nature, I am sure that the whole burden will be kept upon the shoulders of the

health inspector. Here I would like to give the following warning to our Government and to the Minister concerned, that the Minister for Health should assure this House that the health inspector who will be the sole administrator of this Bill will have the right qualifications. If he is not of the right qualifications, I hope the Ministry will see to it that before such an officer is authorized to administer this important Act—because I think this is a very important Act—they will ensure that facilities are provided for these inspectors so that they can have the necessary equipment and facilities.

Now, Sir, having discussed this at length, I would like to give another warning to our Government and that is, that I can see one danger in the already established board and that danger is that we will have a medical officer of health and a chief inspector of health. Sir, these people will be sitting on that board. Now we must ensure that these people are contented in the work they are doing; and by that, I mean that most of the time our civil servants are frustrated. This is due to the fact that whatever salary they are getting, in most cases, is completely inadequate. We would like the Ministry to ensure that those people, especially, who are sitting on that board are contented.

I say this because it is this board which will be deciding what type of substances and what type of chemicals or drugs will be coming into this country. Here I want to point out—because I would like this to be on record, Mr. Speaker—that if somebody is not contented and he is sitting on that board here, there is quite a bit of temptation and scope for him to be drawn into what is known as corruption. There might be two or three companies wishing to bring their own chemicals and substances to this country and they would like their drugs and chemicals to be passed by the board. The chairman of that board, or the vice-chairman, for that matter, might accept some bribe in order that some particular drug would be given permission to come into this country. And in order to see that these people act properly, the best thing to do is to ensure that they have a good salary and that they will be satisfied, they will be contented, with what they are getting as civil servants.

You might have someone from India or from United Kingdom coming to this country with some sort of drugs and chemicals; he can then these drugs to be passed by the board. He can easily try to move heaven and earth in order to meet the chairman or the vice-chairman of that board to convince him. And if such a man could be offered £500, and he did not already have that

[Mr. J. M. Karibali]

money, it would be very difficult for him to leave £500 alone; he could go the wrong way and take the bribe. In this way, we will end up with what we have opposed right from the very beginning, because bad chemicals and bad drugs will thereby come into the country.

So, Sir, that is why I mention that it is most important to see that these people are contented in order that they may do their job properly.

Now, we must decide on two things. We must ensure, right from the beginning, that even some of these enterprises which sell these chemicals in this country are not represented in the board, because if they are represented on the board, it will be their responsibility to keep on urging a particular drug to come in and, therefore, it should be the responsibility of the Government, and the Ministry, and all concerned, to restrict membership to the number already mentioned in this Bill and never allow those people to participate in the meetings of the board. Because these people will try to do so. I would like to mention this in this House, that before this Bill is passed, most of them might try to say that they also want representation on the board. I would like to ask the Minister to turn a deaf ear completely to this request, if they try to get such representation. Because of technicalities that they would try to bring before the board, we would end up with bad cosmetics for our girls and bad drugs for general consumption. So I would ask the Minister to ensure that they are not represented on this board.

Another point, Sir, is this. Those officers who will be executing this Bill must also be informed that we are passing this Bill in the belief that they will be able to carry out this Bill as it stands and I am sure that the public in this country will then be in safe hands. Much relies on what they can pass and much relies on what they oppose. Sir, it is their responsibility to see that this country is not going to be ruined by the importation of bad drugs or by the importation of useless drugs which will not cure any disease.

I would also like the Minister to consider whether we are going to give these people, the medical officer of health and the chief inspector of health, real responsibility. If we are going to give them real responsibility, then the spirit of contentment must be there. If we are not going to give them this responsibility, Sir, then it would be better for the Bill to be withdrawn. But these who will do that job, because it is very important? Here I feel, I consider and I believe, that the Ministry concerned will consider this very seriously, because it is one of the best and most

important Bills brought to this House and good results for these civil servants will be reached.

Now, Sir, I do not want to dwell very much on this process, as I have already made studies with them in the past, but I would like to know whether it is the intention of the Ministry concerned to check, in clause 27, the words "one member nominated by the Pharmaceutical Society of East Africa" and make the two last words read instead "Kenya". Now, I feel that this is very important. The Assistant Minister for Economic Planning is saying, "It is a name", yes it is a name, but it is very important to know right from the beginning what is going to happen afterwards. I do not say it is bad but we would like to know whether that is going to be changed from "East Africa" to "Kenya".

Now, Sir, I think I have now expressed the few points I had to make in connection with this Bill; and I hope and believe that this is one of the Bills which should not be taken lightly. We give it our blessing, but we also hope that the Ministry concerned will see that it is implemented in the right way, in the right spirit, and that the public will be saved from paying unnecessary money in some of the shops where there might be quite a lot of drugs which their sellers may say cures lots of diseases, but which you find in the end do not cure any diseases. I think that is the spirit in which the Ministry concerned have brought this Bill: to try to prevent our people from being put to unnecessary expense and also from the danger of being killed by some of the useless drugs.

With these few words, Mr. Deputy Speaker, I beg to support this Bill very strongly.

Mr. Kall: Mr. Deputy Speaker, Sir, I will say very little on this Bill and I will be more concerned with the drugs and chemical substances—

QUORUM

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): On a point of order, Sir, is there a quorum in the House?

The Deputy Speaker (Dr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We now have a quorum. You may continue, Mr. Kall.

Mr. Kall: Mr. Speaker, Sir, I was going to speak on drugs and chemical substances.

Mr. Speaker, Members should know something about this because these days we have some of

Mr. J. M. Karinkki: Mr. Speaker, Sir, I am rising to support this Bill.

First of all I would like to congratulate the Minister, because I think that this is one of the most important Bills we are having in this House. Mr. Speaker, Sir, if we look at this Bill, clause by clause, in Part II—General Provisions, clause 4, it says:—

"Any persons who labels, packages, treats, processes, sells or advertises any food in contravention of any regulations made under this Act, or in a manner that is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit or safety, shall be guilty of an offence."

Now, Sir, this is very important because most of our people, in many areas do not know how to read and get to know exactly what is inside a bottle and kept in a hotel, or in a shop. Something in a hotel may be eaten by some person or persons who do not know that it is bad for him, and he may get a very bad disease as a result of that, and this is why I am putting it to the Minister. If the butter or *sahira* is kept on the table, exposed to the public, it is accepted as a general acceptance that this butter was intended for human consumption. It may be that after this person has eaten this, he becomes sick, and in that case, Mr. Speaker, Sir, I feel that this clause here is very important to the owner of that hotel who has to prove that he was not intending to put that butter there for human consumption, and it is up to him to prove the point that he was not doing so, or aiming to disease the human beings. This is a very important point Mr. Speaker, Sir, what the Government is intending to do here is to prevent, if I am not mistaken, culprit from this sort of danger.

In clause 5, it says that where a standard has been prescribed for any food, any person who labels, or packages this food, or sells or advertises any food which does not comply with that standard, in such a manner that it is likely to be mistaken for food of the prescribed standard, shall be guilty of an offence. This is very important, Sir, because this is going to prevent most of our people who may not be able to understand which type of food is bad for their consumption. This is very, very clear and I must say, quite honestly, that the Ministry has tried to explain the legal point here very, very clearly, because, Sir, our Government is now trying to help and protect the public from buying bad drugs.

Now, Mr. Speaker, Sir, if I may quote this, I remember there was a case in 1950, where there was written a description on the bottle which said that one of the drugs inside the bottle could cure lightning. Mr. Speaker, Sir, what could be more ridiculous than that? It is true that quite a lot of people went to the shop and bought it, but they bought this because they thought that this medicine was so good that in the future it might come and cure the lightning. What sort of lightning is that which is going to be cured by this drug? You can see, Mr. Speaker, Sir, that quite a lot of people bought this drug, but I am afraid that this sort of drug could cure the lightning. Most of our people bought this in great numbers but those drugs did not, in the end, prevent anything. I would like to say here that by putting this clause the Government is now trying to prevent our people from buying some of the drugs which are not useful to them or to anybody in the country.

If we look at clause 9 Sir, which prevents people from buying some uncertified drugs because it says that:—

"Any person who labels, packages, treats, processes, sells or advertises any drug in contravention of any regulations made under this Act, or in a manner that is false, misleading or deceptive as regards its character, constitution, value, potency, quality, composition, merit or safety, shall be guilty of an offence."

This is the one which prevents other people—

QUORUM

Mr. Gichoya: I wonder whether he is addressing an empty House, or whether we have a quorum?

The Speaker (Mr. Slade): No, we do not. (The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum, you may proceed Mr. Karinkki.

Mr. J. M. Karinkki: Mr. Speaker, Sir, even without going into it, I would like to proceed at C—cosmetics. I think, Mr. Speaker, Sir, that this is the most important part of the whole Bill. This is because, Sir, in this stage we hear quite a bit about beauty contests in this country, and many other parts of the world.

Here in this country we also have that kind of contests and because of those many of our girls go to the shops and buy some stuff that I would brown. Now, Mr. Speaker, Sir, what I would

[Mr. J. M. Karinkki:] like to point out here is that if we are not going to be very careful then we will end up with most of our girls ending up without their hair. I will tell you the reason why I say this, and that is because there are some substances which our girls buy to the shops and buy. They smear it on their heads, then you will find that in the course of perhaps two or three weeks some of the hair is falling out. This is because some of the substances they are using are not checked and might be dangerous to their own heads, and if the Ministry did not bring this Bill to the House then I am afraid that in the future we could find ourselves in great difficulty of having so many girls trying to become more beautiful without any hair, and that would be ridiculous. Most of these girls, and that is very dangerous you do find that some of them do smear themselves with some sort of substances which are, of course, very, very dangerous. I found this out, Mr. Speaker, Sir, when this Bill was brought to the House. I have found out that there are some sort of substances which change the complexion of these girls.

With this Bill, the Minister may come in with one better idea for us that they are trying to find out what the good substances are available which should be used by these girls, but without this legislation then we may not be in a position to assist them. There are some chemicals which they use on their fingers, and for that matter, lipstick. I must tell this House it is dangerous to their health, and as these chemicals are being used, and are sold in the shops. It is not their fault because there has never been any such legislation. Mr. Speaker, Sir, in the past, they used to be very good and buy them, and because they want to become more beautiful then they are continuing to use them, but maybe one of these substances is very bad and dangerous to their health, and in future these drugs or these chemicals may change their skin. Others of course, try to smear themselves with these chemicals which, in the first instance, make their colour change, but suppose that somebody is not going to continue smearing herself with these kinds of chemicals, then you find that in a month's time, when she is not using them, the colour of her face changes again, because these chemicals are not useful to them. That is why I think that this particular Bill is very, very important because it will enable the Ministry, and the board itself, to go into details and find out what is the cure, what types of drugs are good for such use. I do not mean to say that they should not buy these chemicals, but let them buy what is already proved by the Government, what is good for them; but they must not buy what is simply

brought into this country and put in the shops. This is the danger we are actually facing by allowing this sort of chemicals to be sold without registration.

Mr. Speaker, I would like to add here that this Bill, under clause 27, gives the Government, or the board so constituted under this Bill, more power to check the bad chemicals, and to prove which chemicals are suitable for this sort of use. You find that most of the substance which are used to put on women's eyes are very dangerous. This makes some of them look— I did not intend to mention this in this House, but it makes them look more or less like colobus monkeys. I am not abusing them but it is true, they do look like them. They do not know that these substances are very bad and that they can spoil their eyes but that is certainly how it looks. This board, which is going to be constituted under this Bill, can look into what sort of substances are good for them to use. We do not mean to say that they should not use this sort of thing, it is not the intention. The intention here is to look for what is good, those substances which cannot ruin their lives.

Let us now look at clause 20, that is, chemical substances. This is clearly to prevent the danger which might be brought about by excessive chemicals. To give an example, I was told that there were some children in Angola, who got themselves into bad trouble, after using some chemical substances; and most of them died. This is the same point which I am trying to put over to the Ministry, that the importance of this is also to prove whether spraying by aeroplanes or by an individual on a farm is done without putting excessive chemicals on the plants. I will give here another example. If chemicals are not sprayed in the right manner and there is some sort of excess in the plants, then you will find that with a plant like maize some chemicals might remain on the plant and that same maize, when it has been taken to the grinding mills and has been sold by some company like Maiza Limited or any other company and has been turned into *posho*, might kill lots of our people. Therefore it is very important that the Government should go into details and check up as to whether there has been excessive spraying of chemicals on common plants like maize, which is the food of the people in this country.

May I say here in this House that although it may be argued that not all of us eat maize, but I would like to say that we are only 139 Members in this House, but most of us do eat maize, *posho*, and therefore it is important that, when this Bill is passed, the inspector or whoever

[Mr. Alexander] have been told that we must approve because the money has already been committed. I would like the Assistant Minister to tell us just what rules are applied in his Ministry when making use of this money. Is it applied only to real emergencies or does it stretch to the spending of moneys which could well have been approved in this Parliament in the ordinary course of events? Now that we are to sit more regularly—as I understand it, we are to have a timetable showing very regular meetings of this Parliament—is it really necessary to increase this sum? Is it not far better to use the normal processes of this Parliament to approve spending and to use this fund only for real and genuine emergencies?

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I will call on the Mover to reply.

Mr. Gichoya: Mr. Speaker, Sir, on a point of order, I did put a question to the Assistant Minister to get clarification, so that I can make up my mind as to whether to support the Bill or not, and he has not so far replied, so that I can make up my mind.

The Speaker (Mr. Slade): He could not until his turn came to reply. I think you are getting mixed up with the procedure in Committee, when an hon. Member can speak more than once and the person replying can also speak more than once before he replies. Here he has to answer you when replying.

The Assistant Minister for Finance (Mr. Okello-Odongo): Mr. Speaker, Sir, I do not think there are really serious points here which have been raised.

The point raised by the hon. Member, Mr. Khazkhalah, that there was an increase of £250,000, is not true, it is not on the overall expenditure, it is merely that this Contingencies Fund is going to be increased by that amount. The amount is not an extra expenditure, it is merely that it is being kept there.

That, of course, is in connexion with the point which was raised by the hon. Member, Mr. Gichoya, where he wanted clarification of what this fund was being used for. I think this has more or less been explained by the hon. Member, Mr. Alexander, when he defined that this Contingencies Fund is one which is set aside for emergency cases. This, I think, was the clarification that the hon. Members, Mr. Gichoya, wanted.

An hon. Member: Such as?

The Assistant Minister for Finance (Mr. Okello-Odongo): Such as anything. For instance, there are normal Votes for each Ministry, but at one time all of a sudden, due to some emergency, a Ministry may enter into unexpected expenditure and would like to spend the money immediately, and this occurs every now and again, so that is what happens.

Now, with regard to whether there are rules, definitely there are rules, and everybody knows that the Treasury is very strict; normally it is very difficult to get money from the Treasury. There are rules, and before any Ministry uses this Fund, the Ministry has to justify that the matter was really an emergency matter and was worthy of the Contingencies Fund.

Mr. Alexander: Why not bring it here then?

The Assistant Minister for Finance (Mr. Okello-Odongo): The thing is that when you have an emergency, you do not decide when it is going to take place; the emergency might take place when this House has just adjourned for, say, three weeks or for a month. In that case, the Government would be in a very difficult position. This is why it is so. But the important thing to remember is that also there is this matter. Even if you called the Parliament back to meet, we still would have to pass the Bill through the Lower House and then through the Senate which would take a much longer time than it used to take before when there was only one House.

Mr. Alexander: Not Supplementary Estimates.

The Assistant Minister for Finance (Mr. Okello-Odongo): They have to go there anyway, and the thing is the increase here is quite small, it is not much bigger than one would have thought reasonable, because, after all, the increase is less than one-half. The difficulty now is that we have two Houses instead of one and I think it is quite clear that the length of time required to get the Bill through the two Houses would certainly be longer than before, which has been estimated to be at least three months.

With these few words, Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): Before putting the question, I might help hon. Members a little by explaining the procedure with reference to this Civil Contingencies Fund.

As has already been explained, it is a Fund which is there for Government to draw on for emergency expenditure which is not already covered by the Annual Estimates or by Supplementary Estimates and for which there is not

[The Speaker] use to get from this House a Supplementary Estimate approved. That is the idea of the fund. When Government has spent money out of this fund and left, as it were, a hole in it, that as soon as possible afterwards Government comes back by way of a Supplementary Estimate for the requisite amount to be voted by this House to replenish the fund and restore it to its full maximum, whatever it may be: £3 million or £1 million. With that Supplementary Estimate, the money to be voted back to restore the Contingencies Fund, the reason for the expenditure out of the fund is, of course, given. The theory is that if Parliament does not approve that expenditure, it will not vote the money back to the Contingencies Fund and the Contingencies Fund will gradually get used up and nothing will be left to Government for emergency expenditure: that is the theory.

(Question put and agreed to)

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

Second Reading

THE FOOD, DRUGS AND CHEMICAL SUBSTANCES BILL

The Minister for Health and Housing (Mr. Okello): Mr. Speaker, Sir, I beg to move that the Food, Drugs and Chemical Substances Bill, to read a Second Time.

The present Food and Drugs Adulteration Act came into force in 1948, when it was considered necessary to prevent adulteration of food sold to the public. It was considered that such food as meat, milk and all tinned foods should be sold to the public in the purest form possible. The Act functioned reasonably well, but with the expansion of commerce and industry it was felt that the scope of the Act should be widened to cover new drugs and chemicals locally manufactured or imported into Kenya, in order to ensure that these also conformed to the standard laid down.

This Bill takes into account these developments and its provisions include the control of the manufacture and sale of food, drugs, cosmetics, medical appliances and scheduled chemical substances. The important part to be played by the local authorities in the implementation of this provision is recognized in this Bill, under clause 31.

A significant feature of this Bill is the establishment of a statutory body known as the

Public Health (Standards) Board. Its members will represent a cross-section of the community, reflecting the interests of the Government, local authorities and commercial concerns; see clause 27. This Board will be responsible for advising the Minister who may make regulations controlling the preparation, packing, labelling, sampling and sale of food and drugs, cosmetics, certain medical appliances and chemical substances, whether imported or of local origin.

The Bill repeals the present Food and Drugs Adulteration Act, Cap. 127, 1948. I wish to add here that following the publication of this Bill in the *Kenya Gazette Supplement No. 159* of 1st December 1964, there were representations made in regard to clause 2, clause 27 and clause 37, for certain amendments and substitutions which do not affect the substance of the Bill and are accepted by my Ministry. I will move these amendments at the Committee stage. Certain definitions of the said amendment are as follows.

New definitions have been added for Health Inspectors which are not in the published Bill, and this streamlines the whole matter. The powers for authorized officers are very clearly classified and now you can see the Medical Officer of Health, the Health Inspector, and the other persons authorized by the Local Authorities have all the powers as in section 30. Police officers, above the rank of sub-inspector, are allowed only to take samples. Veterinary officers will have the power of inspecting meat. The clerk of the Local Authority will be able to take legal proceedings. An additional clause (6) authorizes the board to invite particular persons to attend meetings but without voting rights. It has been necessary to include this important proviso without having to alter the membership of the board, which remains at ten.

Now, Mr. Speaker, Sir, the additions to clause 37 (c), (d) and (e), merely mean that if and when any article, substance, etc., which is normally used in preparation or found in premises where that work is normally carried on, and if those articles are found to be unfit for human consumption, and an analysis also proves them to be so, then the orders for proving them that they were not intended for human consumption shall rest with the person charged.

With those remarks, Mr. Speaker, Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

[The Assistant Minister, President's Office]

As for the last part of the question, Mr. Speaker, the money realized from the property so confiscated, is paid into the Special Districts Administration Fund, or alternatively, to the Consolidated Fund. The money is used for the payment of compensation to those people who have lost their property as a result of hostilities by the *Shifita*, and for the development of areas affected. Further, if under section 33, any person whose property has been confiscated, feels he is aggrieved, he can appeal to the Provincial Commissioner and, if he is still not satisfied, he can appeal to the Minister in charge of the Administration whose decision will be final.

Mr. Mate: Would the Assistant Minister assure the House that some of the money so obtained will be used to compensate those who lost all their property from *Shifita* activity in the Meru area?

Mr. Nyanweya: Mr. Speaker, Sir, I was specifically dealing with the question of the North-Eastern Province and not Meru. If the hon. Member for Meru Central could tell the house that his constituency is in North-Eastern Province, then perhaps I could go into the matter.

Mr. Ogle: Mr. Speaker, Sir, I am given to understand that some of these confiscated cattle belonged to a certain man, Major Adams of the Kenya Army who only recently returned from the North-Eastern Region fighting the *Shifita*. Is the Minister prepared to tell us that such a man who was fighting the *Shifita* is hostile to the Government?

Mr. Nyanweya: I did not understand the question, Mr. Speaker, could the hon. Member repeat his question.

Mr. Ogle: I said, I am given to understand that some of these confiscated cattle belonged to one Major Adams of the Kenya Army who recently returned from the North-Eastern Region where he was fighting the *Shifita*. Is the Minister prepared to tell the House that man was either hostile to the Government or he was aiding the *Shifita*?

Mr. Nyanweya: Mr. Speaker, Sir, I have referred to one confiscation order which has been the subject of an administrative inquiry in the North-Eastern Province. People whose property was confiscated: in this case, cattle, were all summoned before the District Commissioner to give evidence. Those who can prove to the satisfaction of the Presiding Officer at the inquiry that they were not involved in hostile activities, will not have their property confiscated.

MINISTERIAL STATEMENT**PROMOTION OF TEACHERS**

The Speaker* (Mr. Slade): Mr. Mutiso, I believe you have a Ministerial Statement to make.

The Assistant Minister for Education (Mr. Mutiso): Yes, Mr. Speaker, I do. On the 23rd of this month, while answering question No. 939 appearing on the Order Paper, I gave the understanding to this House that I would prove to the House that a number of teachers have been promoted purely on grounds of merit, as the question was trying to find out if this was possible. Now, Mr. Speaker, I confirm that a teacher who has not had a chance of passing the examination set for promotion, may still gain promotion when the Ministry is satisfied that such promotion is merited and, in the last year alone, Mr. Speaker, twenty teachers were promoted on these grounds.

The Speaker (Mr. Slade): It is not usual to allow any supplementary questions on a statement of that kind, but if any hon. Member requires further elaboration of that information, I think he is entitled to ask for it.

Mr. Choge: Mr. Speaker, Sir, could the Assistant Minister, further assure the House that these teachers, were not promoted because they had friends within the Ministry or were related to anyone there?

The Speaker (Mr. Slade): That is quite beside the point.

NOTICE OF MOTION FOR THE ADJOURNMENT**REPLACEMENT OF EXPATRIATES BY KENYA CITIZENS**

The Speaker (Mr. Slade): I would like to remind hon. Members that Mr. Pandya is to raise on the adjournment today the matter which is noted on the Order Paper.

POINT OF ORDER**DIRECTION OF QUESTION TO THE PRESIDENT'S OFFICE**

Mr. Gichoya: On a point of order, Mr. Speaker, I remember one day that you ruled that a question directed to the President's Office on the Order Paper, should not be addressed to the Assistant Minister and I see here Mr. Speaker Sir, that the question which has been asked by the Member from Gichugu is directed to the Office of the President or the Assistant Minister.

Mr. Gichoya] This may be a clerical error of the Secretariat of the President's Office or the Parliament, but it is a question directed to the Assistant Minister, and I wonder whether this could be corrected in the future.

The Speaker (Mr. Slade): Which question are you referring to?

Mr. Gichoya: Question No. 956.

The Speaker (Mr. Slade): Something has gone wrong in the reply to that question. On the Order Paper you will find that the question is actually addressed to the President. At my rate, we are now addressing all such questions to the President. There has been a different practice in the past, and that is probably how that reply came in the wrong form, I think.

BILLS**Second Reading****THE CIVIL CONTINGENCIES FUND (AMENDMENT) BILL**

The Assistant Minister for Finance (Mr. Okello-Ogogo): Mr. Speaker, Sir, I beg to move that the Civil Contingencies Fund (Amendment) Bill be now read a Second Time. Mr. Speaker, Sir, this is a very formal Bill and you may recall that on the 25th June 1964 this House passed the following Motion:

That this House regrets that the Government found it necessary in the exceptional circumstances to withdraw money from the Consolidated Fund without prior specific authorization by Parliament which has been recalled by the report dated 7th May 1964 of the Controller and Auditor-General and calls upon the Government to examine the sufficiency of the Contingencies Fund and other means in order to ensure that there need be no recurrence of such action.

Mr. Speaker, Sir, the examination has now taken place and it has become clear that the limit of £500,000 on the capital of the Civil Contingencies Fund is too small to cover the present-day requirements. This limit was fixed in 1961 when the legislature consisted of one House and at that time we could cover all requirements by the bringing of a Supplementary Estimate within a period of two months. With the advent of the second House the time required for operation is now three months so that the financial limit needs to be raised proportionately to £1,500,000. As you will see, Mr. Speaker, Sir, this

raising of the limit is to be effected by a small amendment to section 4, subsection (2) of the Civil Contingencies Fund Act. The raising of the limit will in no way increase Government's expenditure, although it will make for the smoother working of the financial system.

Mr. Speaker, Sir, I beg to move.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko) seconded.

(Question proposed)

Mr. Khasakhalha: Mr. Speaker, Sir, I am not opposing the Bill, but I want some clarification from the Assistant Minister.

In his Memorandum of Objects and Reasons, he says, "No additional expenditure of public moneys will be incurred by reason of the enactment of this Bill." When I look at the Bill, I see that he wants an extra £250,000. Could the Assistant Minister satisfy the House as to what has made this increase be incurred, because he has not given us the reasons; he only wants us to alter one section in the Bill and has not given the reasons why this increase is necessary. I would like him to elaborate a little more on this, Mr. Speaker; otherwise I support the Bill.

Mr. Gichoya: Mr. Speaker, Sir, I want just to get some clarification from the Assistant Minister.

In this Civil Contingencies Fund meant to pay for the loss of lives in various places as a result, say, of accidents caused by animals, or for what purpose? What are these contingencies. When the Assistant Minister was putting forward the case for this Bill to be approved, he did not mention that the money is meant for this purpose or that purpose, and because of what happened previously, say perhaps three months or six months back, there is a need for changing it from the original amount to an additional amount.

I think I would like to have this clarification so that I know how to support the Bill.

Mr. Alexander: Mr. Speaker, Sir, as I understand it, this Fund is to deal with what, in fact, it describes in the word "contingency": that is, to deal with the spending of money which is unexpected to the Government. What is worrying now about this particular increase is that it gives the Minister the opportunity, in fact, to compromise the authority of this Parliament, because he is able to come here after the spending of this money and tell us, "Well, you've spent to approve it because it's already been gone." We have had this before in this Parliament; we

The Minister for Internal Security and Defence (Dr. Mungali): Mr. Speaker, Sir, we have not had any difficulty with agreements we have with any other country for training our armed forces. Right now, we have an agreement with the United Kingdom to train our forces, and so far we find it satisfactory. If we had any reasons for not finding it satisfactory, we would shop elsewhere.

Mr. Agar: Mr. Speaker, Sir, would the Minister agree with me that there are countries which are prepared to offer training for our personnel in the armed forces and therefore the Government should take advantage of these free offers?

Dr. Mungali: Mr. Speaker, Sir, such countries we have not come across. Anyway, we do not always want to get things free; we have principles and ideals which guide the Kenya Government.

Question No. 943

RUSSIAN-TRAINED PILOTS IN KENYA AIR FORCE

Mr. Agar asked the Minister for Internal Security and Defence what reasons led him to delay the admission of one Mkamba and three Luo young men who had completed their training as fighter pilots in Russia into the Kenya Air Force.

The Minister for Internal Security and Defence (Dr. Mungali): Mr. Speaker, Sir, the Minister for Internal Security and Defence has not stopped any young Mkamba or three young Luo from joining the Air Force. Only, we would like all applicants for the Kenya Armed Forces to follow the procedures which have been laid down and be accepted through the same machinery, just like any other Kenya people.

The Kenya Government is now aware that there are many people who have been trained in the armed forces in various foreign countries and we only come to know about them when they get back to Kenya. We can not just forget Kenya boys and take these others without their going through the same machinery. They have all to be recruited and they have all to go through the same machinery and they will be accepted. I would say that we are not going to discriminate against those people who have been trained in the Soviet Union, just because they were trained over there; we welcome their knowledge and their skills in Kenya.

Mr. Agar: Mr. Speaker, Sir, would the Minister agree with me that a person who has been fully trained on something cannot be

expected to start with fresh people, if the Government wishes to be fair on these matters? And, if that is the principle, why do we not start, in every profession, people who come from other countries, who have been trained in medicine and other fields, at the bottom with those who have been trained here?

Dr. Mungali: In the case of the air force, Sir, there are various planes that are used, and in Kenya we do not have the planes which are used in the Soviet Union or in other places. We have certain types of planes which our Kenya pilots have to start by learning to fly. In the case of the medical services, everyone knows that pneumonia is caused by So-and-so and is cured by such and such methods; and this is not necessarily true of planes.

Mr. Shikuku: Arising from the Minister's reply, would he agree with me that someone who has trained in Russia or in any other part of the world to fly planes is more knowledgeable and would learn easily how to fly our small planes here, which are smaller than the ones they have been flying, and therefore these people should be taken on immediately?

Dr. Mungali: Mr. Speaker, Sir, as I have said, we are not going to discriminate against these people who have been trained over there. We want them to apply and go through the same machinery and be accepted through the same machinery, just like anyone else trained, not necessarily in Moscow; they may have been trained in Israel, in Ethiopia, in the United Kingdom; and they are all going to go through the same machinery.

Mr. Agar: On a point of order, Mr. Speaker, the Minister has just answered on part of the question; he did not answer the second part.

Dr. Mungali: As regards the second part, Mr. Speaker, the machinery consists of a panel of Air Force men and Army and medical doctors who process these people who want to join the Kenya Air Force; they determine their health, their intelligence, and of course, their educational standard.

Mr. Agar: Mr. Speaker, Sir, arising from the Minister's reply about this panel, is he aware that there are boys who have applied and have been waiting for a reply for three months? How long does it take this panel to decide whom to take and whom to reject?

Dr. Mungali: Mr. Speaker, Sir, the applicants are so many; they come in thousands and you can only take a few, you cannot take everybody who applies. There are some who applied as much as nine months ago. We can only take the number

QUESTION BY PRIVATE NOTICE

CONFISCATION OF STOCK: NORTH-EASTERN PROVINCE

The Speaker (Mr. Slado): Mr. Abdi-Rahman, you have a question by Private Notice?

Mr. Abdi-Rahman: Yes, Mr. Speaker, Sir, I would like to ask the President if:—

- The Government is aware that members of the security forces are confiscating cattle in the North-Eastern Province in large numbers without any just cause?
- What steps is the Government taking to prevent this?
- What compensation will be paid and when?

Question No. 948
STOCK THEFTS AND KANU YOUTH WING: UGUYA

Mr. Odoro-Sar asked the Minister for Internal Security and Defence what the number of stock thefts in Uguya Constituency since January 1965, had been. Why did the Government appear to be against the Kanu Youth Wing in trying to help arrest any thieves found in the constituency.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. The answer to part one of this question is that between the first of January this year, and the eighth of February this year, there have been nine cases of stock theft reported in the Uguya Constituency involving three head of cattle. Three head of cattle have since been recovered. Two men have been arrested in connexion with these thefts, one of them has been convicted and the other is still before the court.

With regard to the second half of the question, Mr. Speaker, Sir, I welcome this opportunity to clarify a certain position. The Government places a high value on close co-operation between the public and the police and the work of the police will be immeasurably assisted if the public will co-operate fully in providing information on all kinds of theft, including stock theft, but there has been a most distressing tendency on the part of certain youth wingers who take the law into their own hands independently of the police. This is particularly so in Nyanza and the Western Region. It is decidedly not the policy of the Government to put police, or Administrative responsibility in the hands of political parties. The strongest legal step will be taken, Mr. Speaker, against any person who tries to usurp police powers. I will again repeat that co-operation between the youth wingers and the police and the Administration will be welcomed.

Mr. Odoro-Sar: Mr. Speaker, Sir, do I understand from the Assistant Minister that youth wingers are not the citizens of this country who help the police in arresting theft?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, the Member for Uguya is also a citizen of this country; he is one of the people I referred to as someone who should come forward and assist the police, but certainly not as a judge, or even by locking up the person himself.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, I beg to reply. I am not aware of cattle being confiscated in the North-Eastern Province in large numbers without any just cause. I am aware of the justified confiscation of stock according to law. The Government is trying to take the necessary steps to bring an end to this confiscation by making the inhabitants of the North-Eastern Province, law abiding citizens, assisting the Government in fighting the *Shifja*.

Mr. Speaker, Sir, if I may amplify on what the hon. Member knows, under the Special District Administration Act, a Provincial Commissioner or a District Commissioner may order the seizure of all or any property belonging to a tribe, or any section or members of such a tribe which has acted in a hostile manner towards the Government or members of another tribe and may order the retention of the property so seized. When the property has been seized, the Provincial Commissioner or the District Commissioner holds an inquiry into the circumstances leading to the alleged hostile act and when it is proved that any person from whom the offence has been seized has committed an offence, his property is confiscated and sold. The confiscation I have referred to, Mr. Speaker, is one where the Government, acting according to the law, has convinced itself that the people in certain parts of North-Eastern Province have acted in a hostile manner against the Government and that they have persistently helped the *Shifja*; that is, they are fighting against the Security Forces of the Kenya Government, by giving the *Shifja* shelter, food, information and directions concerning deployment and movement of the said Security Forces. The Government, acting upon this has made only one such confiscation order.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. Section 5 (1) of the Kenya Immigration Act provides that where any person has been ordered to be deported by the authorities of any Commonwealth country and such person enters Kenya on his way to his final destination, any such person may be detained in prison or in police custody until such time as arrangements can be made for the continuation of his journey. Tanzania have a similar provision under section 5 (2) of their Act and Uganda have also made similar provision under section 11 (1) of their Act. The Governments of the three territories have only reaffirmed that these provisions should be effected when a deportation takes place. Each of the three Governments when they are satisfied that a particular case ought to be treated otherwise may decide not to effect the provisions of these sections.

Mr. Agar: Mr. Speaker, Sir, would the Minister consider repealing these provisions, because Kenya would not find it possible to decide on merits of these deportations by themselves if they rely on what has happened in other countries?

Mr. Argwings-Kodhek: The hon. Member for Karachunyo misunderstood what I said. I repeated the word "may" twice and the Kenya Government is quite capable of deciding for itself on the merits of the case.

Question No. 956

DECLARATION OF MINISTERS' ASSETS

Mr. Gichoya asked the President whether the Government was prepared to introduce legislation to make it compulsory for Ministers to declare their assets within and outside Kenya, within three months of their taking up office.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply. The Minister are required on appointment, to disclose to the President, in confidence, all their commercial interests and if the President feels that certain interests are likely to conflict with their Ministerial duties, then the President can ask such a Minister to relinquish them. The only conceivable reason for the hon. Member's question, it perhaps because the interest may conflict with the Ministerial duties.

The machinery exists to see that Ministers do not indulge in activities likely to conflict with their duties. Ministers have a right, like any other person, to own property.

Lastly, Mr. Speaker, Sir, such legislation would be against the spirit of section 20 of the Constitution which says that "except with his own consent,

no person shall be subjected to the search of his person or his property". For the reasons outlined, Mr. Speaker, the Government does not see the reason for introducing such legislation.

Mr. Gichoya: Arising from the Assistant Minister's reply, does he agree with me that where one's property is there lies one's loyalty and that if, the Ministers, by any chance, might be having external transactions, then they might as well divide their loyalty between Kenya and those countries as well?

Mr. Nyanweya: Mr. Speaker, Sir, one part of that question may contain a certain amount of truth, but I am very reluctant to say that our Ministers have pledged their loyalty outside. If the hon. Members know cases where our Ministers have commercial interests abroad, it is their duty, Mr. Speaker, Sir, to bring that sort of interest, which conflict with the loyalty of the Minister, to the attention of the President.

Mr. Anyleni: Mr. Speaker, Sir, would the Assistant Minister give an assurance to this House that no Kenya Ministers are having any money kept overseas as that would show they do not have confidence with the Kenya Government.

Mr. Nyanweya: Mr. Speaker, Sir, the Government has not investigated the accounts of the Ministers, if any, which are abroad, but we hope that there are no accounts held by our Ministers abroad. It equally applies, Mr. Speaker, Sir, that the hon. Members of this House some of them may, as well have accounts in Uganda, accounts in Tanzania, accounts in Britain and accounts elsewhere. The point, Mr. Speaker, Sir, is that if we are going to probe into the financial transactions of the Ministers, then the hon. Members of this House should be prepared for their own financial transactions also to be probed into.

Question No. 924

PRIORITY FOR MILK QUOTAS

Mr. Kerich asked the Minister for Agriculture and Animal Husbandry if he could tell the House what he was doing to give priority for milk quotas to Africans who had bought farms whose owners, previously, had had no milk quota.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The farmers of farms with no milk quotas attached to the previous owner may apply to the Secretary of the Joint Kenya Dairy Board and the Kenya Co-operative Creameries Committee for their names to be placed upon the

[The Assistant Minister for Agriculture and Animal Husbandry]

quota waiting list of those persons wishing to buy quotas. As and when quotas are available for allocation by the quota committee, the applications on the waiting list are reviewed in terms of their average daily production. I have already instructed the Kenya Dairy Board and the Kenya Co-operative Creameries to give preference to the farmers referred to in this question.

Mr. Kerich: Would the Assistant Minister tell the House the number of African farmers who have been given milk quotas in the Rift Valley?

Mr. Osogo: Mr. Speaker, Sir, I could not give exactly the number of African farmers who have been given milk quotas in the Rift Valley, but the total number of African farmers who have been given milk quotas is already at 31 per cent of all the quotas given.

Question No. 926

TEZO-ROKA SETTLEMENT OFFICER

Mr. Mwatsumu asked the Minister for Agriculture and Animal Husbandry whether he was satisfied with the services of the Tezo-Roka Settlement Officer. Also, when was the post going to be Africanized.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. I have not had any complaints concerning this officer to date, and as such, I am satisfied with his services. In answer to the second part of the question, Mr. Speaker, Sir, my Ministry is very short of African extension officers, with enough experience, but when I can find one, I will Africanize this post immediately.

Mr. Mwatsumu: Mr. Speaker, Sir, is the Assistant Minister aware that there are some people who have been issued with more than one plot during 1964, whereas others have been on the waiting list for the last three years?

Mr. Osogo: Mr. Speaker, Sir, this may not be because of the inefficiency of the officer concerned. If the hon. Member is alleging that because of this officer that these people are on the waiting list. He should say this, Mr. Speaker.

Question No. 938

KURIA IN POLICE AND ARMY

Mr. Malsori-Itumbo asked the Minister for Internal Security and Defence if he could give the breakdown of the number of Kuria in the Police and Army since Uhuru.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. As a matter of policy, I regret that I cannot give details of the composition of the Security Forces, as disclosure of such information, would only be of value to unfriendly people. Also, I deprecate the constant harping on tribalism. I will, however, say that the intake of Kurians into the army and police since independence, adequately reflects the size of the tribe.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell the House why some soldiers have been expelled from the forces, particularly those of my tribe?

Mr. Argwings-Kodhek: Mr. Speaker, I am not aware that some soldiers from this particular tribe are being expelled from the forces, and if they are, they must be expelled for a very good reason. But I am aware of one fact, which does not reflect favourably on that particular tribe, and that is, that they usually desert.

Question No. 940

IMPROVEMENT IN QUALITY AND QUANTITY OF COTTON

Mr. Agar asked the Minister for Agriculture and Animal Husbandry what steps the Government had taken to improve the quality and quantity of cotton production in cotton producing areas in Nyanza and Western Provinces.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The Cotton Lint and Seed Marketing Board has engaged an experienced officer to supervise work in the cotton ginneries. Research stations exist at Kiboa and Busia, which are finding ways and means of improving quantity and quality of cotton in the areas. The Cotton Lint and Seed Marketing Board has been authorized to make available £100,000 for planting and cultivation. A substantial proportion of this amount has gone to Western and Nyanza Provinces.

Question No. 942

TRAINING OF OFFICERS BY FOREIGN POWERS

Mr. Agar asked the Minister for Internal Security and Defence what difficulties had been which had made it impossible for the Government to extend agreements with other Governments, other than the British Government, for training officers and men of the Kenya Armed Forces.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The Central Housing Board advances loans to local authorities after having received details of housing schemes submitted for examination by the board's technical officers and following approval of such schemes by the board. The amount of money loaned is governed by the ability of the local authority to repay the loan. If the council wishes to make application for loan funds, it should approach the Central Housing Board.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would the Assistant Minister tell the House how much money has been loaned to West Pokot Area Council up to date?

Mr. Moss: None, Mr. Speaker, Sir, I remember that in 1964 the West Pokot County Council applied to the Central Housing Board for a loan of about £4,000 for staff housing. Approval was not given by the board, as the council had not furnished the essential details of the scheme. A fresh application has not yet been submitted to the board by this council. If the council wishes to renew this application, the board's officers are available at all times to assist in drawing up of any scheme on behalf of the West Pokot Council.

Question No. 911

REPORT OF THE COMMITTEE ON PROSTITUTION

Mr. Mboogoh asked the Minister for Labour and Social Services if, in view of the fact that a committee had been set up to look into the problem of prostitution in Nairobi, the report could now be laid on the Table of the House with its recommendations as to the causes and remedies for this social calamity.

The Assistant Minister for Labour and Social Services (Mr. Kubisi): Mr. Speaker, Sir, I beg to reply. The hon. Member for Embu North will be aware, that in November of last year, I outlined in this House the work of the Ministerial Committee on prostitution. I then stated categorically that much further work would be required before a definitive report was issued. I have said repeatedly that the roots of prostitution are buried in a complex of social problems and, unless the basic problems are identified and understood, we shall always be in danger of treating symptoms and not causes. At present, the work of the Ministerial Committee is hampered by the lack of factual information. I have been most concerned to initiate a socio-economic survey of Nairobi. From a socio-economic

survey, it will prove possible to focus Government and voluntary action on those areas which require immediate attention and where expenditure of funds and effort will realize the best possible results. Needless to say, all Ministries and Departments of Government can profitably use the results of a socio-economic survey as an aid to planning. I am convinced that from scientifically assessed information, the Ministerial Committee can make positive recommendations leading to positive action on the problem of prostitution. The stumbling block, as usual, is finance. A socio-economic survey of Nairobi would cost approximately £25,000 and up to date, my efforts to obtain this money from sources outside Kenya have been unsuccessful. I am not discouraged and I shall continue in my efforts to find the money required.

In the meantime the Ministerial Committee, in association with the Churches and the voluntary organizations, will do all it can to make recommendations and to deal with the problem. We shall also gain some experience from the Nairobi Girls' Centre which is operating as a pilot scheme. As soon as the Ministerial Committee has anything significant to add to its interim reports, the hon. Member may rest assured that it will be reported.

Mr. Mboogoh: Mr. Speaker, Sir, would the Assistant Minister tell this House whether the Government has taken a census of these ladies in Nairobi with a view to building some centres for rehabilitation and also for setting up a department in his Ministry to deal specifically with these girls?

Mr. Kubisi: Mr. Speaker, everything possible is being done in my Ministry to collect information and, as it have said, the report will not be ready until much further work has been done by the Ministerial Committee.

Question No. 929

SHIPMENTS OF MAIZE TO JAPAN

Mr. Kall asked the Minister for Co-operatives and Marketing:—

- (a) Could the Minister explain why thousands of maize bags had to be shipped to Japan, thus creating the shortage of maize from which the country now suffers?
- (b) Was he aware of strong rumours that some merchants in Kenya had deliberately transported maize to Uganda only to send the same maize back to Kenya through the black-market?

[Mr. Kall]

(c) Could he assure the House that no officials of the Maize Marketing Board were involved in any such transaction?

The Minister for Co-operatives and Marketing (Mr. Ngel): Mr. Speaker, I beg to reply.

It cannot be said truly that the export of surplus maize to Japan created the current shortage of maize in Kenya. The surplus maize was exported because no shortage was foreseen at that time and the cost of holding maize in Kenya stores for long periods would probably have been very high.

Mr. Kall: On a point of order, Mr. Speaker, the Minister has only dealt with part (a) of the question, but my question has three parts.

Mr. Ngel: In answer to part (b) of the question, Mr. Speaker, it is true that rumours have been spread that some Kenya people have been exporting maize through Busia on the Kenya/Uganda border. Investigations are being carried out extensively to find out the ways of blocking the black-marketing channel, and if the police or the Government or if my Ministry have sufficient information to show that some people are involved, obviously the law will take its course.

As to part (c), Mr. Speaker, Sir, the answer is yes, Sir.

Mr. Kall: Mr. Speaker, Sir, can the Minister agree with me that, having been a member of the Maize Marketing Board before he became a Minister, he knows much about what goes on within that Board and that the country expected much from him?

Mr. Ngel: Mr. Speaker, Sir, I can assure the House that I am very firm and investigations are being carried on, even to weighing the pros and cons of whether the storage of maize in Kenya would have cost the Kenya Government much more money or it would have cost less. Therefore, the Ministry is trying to find out why the export of maize to Japan was done and whether it was beneficial to this Government or not.

As to parts (b) and (c), my Ministry is very firm and as soon as it finds an officer behaving irregularly, he will be dealt with through the process of law.

Mr. Glehoy: Mr. Speaker, Sir, arising from the Minister's reply and also having seen the Chairman of the Maize Marketing Board, could he tell the House that during the period he was Chairman of the Maize Marketing Board, that he was incapable of calculating the future costs and also the cost of storage?

Mr. Ngel: I think the hon. Member is very ignorant as when I took over the chairmanship of the Maize Board, already negotiations had been made to ship maize to Japan before I took over the chairmanship of the Maize Board.

Question No. 937

REOPENING OF HEALTH CENTRES IN SOUTH NYANZA

Mr. Malsori-Itumbo asked the Minister for Health and Housing if he would tell the House when he was going to reopen the Health Centres of Chinato and Mabera, since the South Nyanza County Council had no money to keep them open.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. The responsibility for finding the bulk of capital and all the recurrent expenditure for health centres rests with the local authorities. In the case of Chinato and Mabera Health Centres, it is the responsibility of the South Nyanza County Council to raise the necessary funds. This cannot, of course, be done unless the local people are willing to support the county council by paying the Graduated Personal Tax. The people must understand that, unless the councils receive adequate revenue annually, there will not be adequate funds to provide the health services they want.

I am sure that if the council's finances improve, there will be no difficulty in reopening the Health Centres of Chinato and Mabera.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the reply of the Assistant Minister, can he tell the House why it is necessary that whenever there is a shortage of money in South Nyanza District the only two places who have the health centres are the very places to be closed up? Can he tell the House why, and not anywhere else?

Mr. Moss: Mr. Speaker, Sir, that is a question which is not in conformity with this question.

The Speaker (Mr. Slade): We will go on anyway, as we have more questions to get through.

Question No. 944

AUTOMATIC DEPORTATIONS OF FOREIGNERS FROM KENYA

Mr. Agaz asked the Minister for Internal Security and Defence whether he would state the reason for the automatic deportation of foreigners by the Kenya Government who had previously been deported by the Tanzania or Uganda Government.

Question No. 1036

MOVEMENT RESTRICTION ON KENYA'S AMBASSADOR IN CHINA

Mr. Okwango asked the Minister for External Affairs if he could tell the House why Kenya's Ambassador in Peking was not allowed outside a five miles radius of the city?

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply on behalf of my colleague the Minister for External Affairs who is abroad on Kenya business.

These laws are made by the Chinese Government and Kenya Government cannot explain laws made by the Government of China.

Mr. Okwango: Mr. Speaker, Sir, should we then consider that a Kenya citizen is a restrictive in a foreign country?

Dr. Mungai: Mr. Speaker, Sir, not necessarily, we are only dealing with the Ambassador in Peking, not any foreign country.

Mr. Mbogoh: Mr. Speaker, Sir, would the Minister then consider also restricting the movement of the Chinese Ambassador to Kenya?

Dr. Mungai: Mr. Speaker, Sir, the Chinese Ambassador will be treated like other ambassadors in Kenya and we have restrictions as to how far they can go out without permission and they are supposed to ask for permission before they go outside that area.

Mr. Shikuku: Arising from the Minister's reply, is he prepared to tell the House, that in view of the fact that Kenya Ambassadors are allowed five miles, what permission will the Kenya Government give the Chinese Ambassador to go how far?

Dr. Mungai: Mr. Speaker, Sir, to clarify one point. It is not five miles, it is eight miles. Also we do not make our laws because the Chinese Government make their laws. We, in the Government, are independent minded and we make our laws according to what we think is most suitable for this country. If we feel we must limit Chinese Ambassadors within a radius of eight miles or thirty miles, we make these laws and we do not necessarily blindly follow what the Chinese Government does.

Mr. Kamureu: Mr. Speaker, Sir, arising from the Minister's reply, could the Minister tell this House whether Chinese Ambassadors are also restricted in any other foreign countries?

The Speaker (Mr. Slade): I think that is getting too far away from the subject we are now discussing. Next question.

Mr. Okwango: Mr. Speaker, Sir, this being an important matter, I would like to raise a Motion on adjournment.

The Speaker (Mr. Slade): Order. I am afraid, Mr. Okwango, that you will not be able to do that. The only matters to be raised on adjournment are matters of administration for which the Government is responsible. Questions can also be asked about matters with which the Government is officially connected. This, indeed is a proper Question, but since it is entirely a matter of administration for which the Chinese Government is responsible, it cannot be raised on adjournment.

Question No. 1049

NATIONAL YOUTH SERVICE DESERTERS

Mr. Makokha asked the Minister for Labour and Social Services—

- if the Minister could give the number of youths who had deserted the National Youth Service since its inception; and
- the breakdown of deserters by provinces and the probably reasons for these desertions.

The Assistant Minister for Labour and Social Services (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. The number of Servicemen who had deserted up to the 23rd March 1965 was 86, representing slightly more than 4 per cent of the enrolment up to that date.

The breakdown by provinces is as follows:—

Central	15
Rift Valley	19
Nyanza	17
Coast	9
Western	12
Eastern	7
North-Eastern	3
Nairobi	4
	86

The principal reason for desertion is misunderstanding on the part of these recruits who were not fully briefed when selected by their Members of Parliament. Such men join up in the belief that they will receive salaries or will be given part-time academic and technical education, and full-time academic and technical education, and they desert when they find this is not the case. A secondary reason for desertion is a family commitment. Although it has been emphasized repeatedly that National Youth Servicemen should be without dependants, this is not always

The Assistant Minister for Labour and Social Services

(Snowed, and subsequent alarms over such matters as a wife's sickness or problems over children's school fees lead men to desert.

Mr. Makokha: Mr. Speaker, Sir, would the Assistant Minister agree with me that the principal reason for these desertions is the fact that the Government or the Ministry has failed to provide simple training in certain fields such as literacy, tractor driving, blacksmiths, as originally promised by the Ministry of Labour and Social Services?

Mr. Kubai: Mr. Speaker, Sir, this is untrue.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, Sir, and in view of the desertions, would the Assistant Minister consider having courses prior to *in take* at the National Youth Service headquarters, so that these effects can be told on the spot at the beginning before they actually take place.

Mr. Kubai: This is being done by Members of Parliament.

Mr. Ayleni: Mr. Speaker, arising from the Assistant Minister's reply, would the Government consider establishing a little more pocket money for the use of these men, in view of the fact that most Africans get married before they are thirty years old.

Mr. Kubai: That will be looked into when finances become available.

The Speaker (Mr. Slade): Next question.

Question No. 886

TRANSFER OF IMMIGRATION DEPARTMENT

Mr. Kiprotich asked the President why the responsibilities for the Immigration Department, which had, formerly been held by the Ministry of Home Affairs, had now been transferred to the Ministry of Internal Security and Defence.

The Assistant Minister, President's Office (Mr. Njirweya): Mr. Speaker, Sir, I beg to reply. Section 77 of the Republican Constitution dealing with allocation of Portfolios to Ministers states:—

"Responsibility for any of the business of the Government of Kenya, including the administration of any of the departments of Government may be assigned to the Vice-President and to the several Ministers as the President may, by directions in writing, determine."

In exercise of the powers conferred on him by this section, the President allocated Portfolios and duties to the various Ministries.

The Department of Immigration works closely with the Department of Internal Security. Because of this unavoidable link, it is only natural that the Department of Immigration should be in the Ministry responsible for Internal Security.

Question No. 900

DIPLOMATIC RELATIONS WITH FOREIGN COUNTRIES

Mr. Lorema asked the Minister for External Affairs whether the Minister would tell the House the next foreign countries with which Kenya was likely to open diplomatic relations when she became financially able to do so.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, on behalf of the Minister for External Affairs, I beg to reply. The Kenya Government is very keen to open diplomatic relations with other foreign countries, particularly with international relations. This can only be done if the Kenya Government has enough finance, and when it comes to be done, we shall give priority to the African and Asian countries.

Mr. Jahazi: Mr. Speaker, Sir, while the Government is still waiting to get money, would the Government consider expanding the jurisdiction of the present embassies, especially in the Far East, to cover more countries than they are covering at the moment?

Dr. Mungai: Mr. Speaker, Sir, we just cannot do it unless we increase personnel, because they are already working very hard and we need more money to put into these embassies, but, on the other hand, we cannot starve our development at home so that we just put money into these embassies.

Mr. Kall: Mr. Speaker, Sir, would the Minister agree with me that our ambassador in Washington could also represent Kenya in Canada, and our High Commissioner in London could also represent Kenya in all the Scandinavian countries?

Dr. Mungai: Mr. Speaker, Sir, our ambassadors in those countries are very smart and they do the job fairly well even now. Our ambassador in London advises us on affairs of these countries, so does our ambassador in the United States.

Question No. 901

HOUSING LOANS: WEST POKOT

Mr. Lorema asked the Minister for Health and Housing whether the Minister could tell the House how much money his Ministry was prepared to loan to West Pokot for better house projects in the area.

ORAL ANSWERS TO QUESTIONS

Question No. 894

FORMATION OF MAIZE CO-OPERATIVE SOCIETY

Mr. Lorema asked the Minister for Co-operatives and Marketing whether the Government was prepared to aid financially the West Pokot people in the formation of a maize co-operative society.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. It is not the Government's policy to aid financially in the formation of co-operative societies, as the basic principle of the co-operative movement is self-help and help thy neighbours.

Mr. Kamurem: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that West Pokot farmers are waiting to see what the Government is going to give to them as far as farming is concerned. Are they going to get loans and other aid from the Government for farming?

Mr. Ngei: Mr. Speaker, Sir, though the answer may seem to be irrelevant to the question here, I may perhaps tell the hon. Members that there is a system, a harvesting system, whereby if a farmer has fifteen acres, then the Ministry is prepared to give him a given sum of money for preparation of the farm and for other preparations for harvesting provided that the farmer conforms with what is laid down in the minimum financial returns scheme.

Question No. 952

LAND VESTED IN SAMBURU COUNTY COUNCIL

Mr. Rurumbani asked the Minister for Lands and Settlement whether he could tell the House when the Samburu land, which had formerly been designated as Crown land, was going to be vested in the Samburu County Council.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. It is appreciated that the Samburu were given an assurance that the Samburu District would be declared a land unit and that if this had been carried out, the land comprised in that District would now be vested in the County Council of Samburu instead of being Government land as is the present situation. The hon. Member will no doubt be aware that the line of the boundary between Turkana and Samburu was agreed upon in 1961 by the then district commissioners concerned and the elders. As the line followed no definite physical features, it was

necessary, in order to gazette the proposed new land unit, to place beacons along its length, but it appears that before this was done the Samburu were prevailed upon to withdraw their previous agreement with the Turkana and to demand that all Turkana should be pushed back beyond the Suguta Valley. Quite clearly, a boundary, of this nature can only be drawn with the amicable agreement of both tribes for, if it is imposed without the agreement of both tribes, it is bound to lead to trouble later on. I have no evidence yet that the Samburu have reconsidered this matter or agreed to honour their previous agreement with the Turkana Elders, but if the hon. Member for Koroisi wishes to pursue the matter further, my Ministry would be prepared to carry out an investigation without delay.

Mr. Rurumbani: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, could he tell the House why the question of boundaries has something to do with the question of designating the district as Trust land?

Mr. Gachago: Mr. Speaker, Sir, it is really impossible to designate a district which consists of land which has no definite boundary lines and, as I have explained, a boundary can never be drawn without the tribes concerned being consulted first, and if this disagreement persists, then the beacons cannot be placed and a boundary cannot be defined.

Question No. 976

LOANS TO AFRICAN TRADERS: UGENYA

Mr. Odoro-Sar asked the Minister for Commerce and Industry if he would tell the House the number of African traders who had received loans in Ugenya Constituency; and the number of defaulters on repayment of these loans?

The Minister for Commerce and Industry (Dr. Kiario): Mr. Speaker, Sir, I beg to reply. Nineteen loans have been issued to traders in Ugenya Constituency, totalling Sh. 35,000 since 1958. I am afraid, Mr. Speaker, that all these loan recipients are in arrears over repayment.

Mr. Rurumbani: Mr. Speaker, Sir, in view of the unsatisfactory reply of the Assistant Minister, I wish to give notice that I am going to raise this matter on an adjournment.

The Speaker (Mr. Slade): Which one?

Mr. Rurumbani: Question No. 952.

The Speaker (Mr. Slade): No, I have told hon. Members before, Mr. Rurumbani, that they cannot wait until we are on another question and then

Question No. 986

U.S.S.R. AID FOR KANO IRRIGATION SCHEME

Mr. Bala asked the Minister for Finance when he expected to receive the U.S.S.R. financial aid towards the Kano Irrigation Scheme.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to reply. Under the terms of the agreement for economic and technical co-operation between Kenya and the U.S.S.R., the Russians have undertaken, in principle, to provide assistance for the irrigation of the Kano Plain. A final decision on the project must, however, await the results of a feasibility study which is now under discussion between the two Governments and which will assess the economics of the project. Until the results of this investigation have been studied and accepted by both parties, it is not easy to say when financial aid may be expected.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he agree with me that it is not always advisable to give out these Press statements about something which has not been finalized by the Government; and as such the people feel they have been cheated by the Government because the Government has, in reality, not finalized the agreement?

Mr. Okelo-Odongo: Mr. Speaker, Sir, I do not agree that the Government has obviously misled the country. Whenever the Government makes announcements, it makes correct announcements at whatever time the announcement is made.

Question No. 1006

PRINCIPLES OF AFRICAN SOCIALISM

Mr. arap Too asked the Vice-President when he was going to explain to the House the principles of African socialism and make arrangements for the widest publicity through radio and pamphlets to educate the citizens of this country on these principles.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, these matters concerning planning and development are my concern and not the concern of the Vice-President's Office.

The Government is preparing a detailed statement on the principles of African socialism and hopes to put it before the House during May.

(The Speaker)

and say they want to raise the matter of a special question on an adjournment. In fact, they do not need to mention this desire to raise such an adjournment at all. In any case, you have given your notice first. But if you want to mention it, you must do it before we have passed on to another question.

Question No. 978

AFFORESTATION IN VIHIGA DIVISION

Mr. Godia asked the Minister for Natural Resources and Wildlife what his Ministry was doing to encourage the people in the hilly Vihiya Division of Western Province to afforest the hills.

The Assistant Minister for Natural Resources and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. My Ministry has maintained a tree nursery at Maseno for the last seven years, doing so to make seedlings available to the people for planting on the hills and elsewhere. The Forest Department has also carried out a tree planting programme on Maragoli Hill, partly in order to demonstrate what can be done in afforesting the hills in this area.

For some time, Mr. Speaker, there has been considerable opposition to the Forest Department planting the Maragoli Hill Forest and there are numerous cases of arson. However, recent reports indicate that the people are gradually becoming more co-operative in stopping forest fires and other destruction of the forest cover.

Until recently, talks on forestry have been given to farmers taking courses at the Bukura Training Centre, with a view to encouraging them to plant more trees on their land. These talks have been temporarily stopped because of shortage of forestry staff, but will be resumed as soon as trained staff is available.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister now tell the House whether trees suitable for the paper industry at Brodericks Falls can be planted in that area?

The Speaker (Mr. Slade): Trees suitable for paper, did you say?

Mr. Godia: Yes, Sir.

Mr. Mohamed: Mr. Speaker, Sir, at the Maseno Nursery there are seedlings of all types available, and there is no question why the trees suitable for paper cannot be planted. These seedlings are available at the nursery and could be obtained at any time.

(The Minister for Works, Communications and Power)

amount of traffic that is likely to emanate from areas not now covered by the existing network. However, radio call facilities are available to any subscriber in these unserved areas.

Question No. 1051**CONVICTIONS FOR PETTY OFFENCES AND SENTENCES, 1964/65**

Mr. Ndile asked the Attorney-General if he would inform the House of the number of Africans convicted of petty offences who had been sentenced to long terms of imprisonment during 1964/65.

REPLY

The Attorney-General (Mr. Njonjo): This information could not be obtained unless an analysis were made of every petty offences register in every police station in the country, and I am reluctant to ask the police to do this when

they are already fully occupied with their duties. However, I am able to say that the total number of persons of all races sentenced to imprisonment in 1964 for petty offences was 15,680. I would like to assure you however, that a person convicted of an offence which the Court considers as petty cannot be imprisoned for a long term. The question of a sentence is of course a matter for the Court to decide.

Question No. 1052**CONVICTIONS FOR SERIOUS OFFENCES, 1964/65**

Mr. Ndile asked the Attorney-General how many Africans had been convicted of serious offences and had been left on probation during 1964/65.

REPLY

The Attorney-General (Mr. Njonjo): Figures for 1965 are not yet available. However, in 1964, 1,069 Africans who had been convicted of serious offences were placed on probation.

Tuesday, 30th March 1965

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:—

Joseph Osero Nyaberi.

PAPER LAID

The following Paper was laid on the Table:—
Sessional Paper No. 11/1963-65, Proposal to hand over to Kitale Municipal Council Landline Buildings standing on Plot No. 2116/62/XIII, Kitale.

(By the Assistant Minister for Lands and Settlement (Mr. Gachago) on behalf of the Minister for Lands and Settlement (Mr. Angaine))

NOTICES OF MOTIONS**REDUCTION OF SALARIES TO AID UNEMPLOYMENT**

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

THAT this House being conscious of the great and increasing number of unemployed people in Kenya, and being eager to find ways and means to remedy this unfortunate and grave situation which in itself is a threat to peace and prosperity of this country, urges the Government to adopt the following steps so that the amount thereby saved shall be used for building of small factories, employing more people and also by reducing the salaries in private firms or companies will enable the firms or companies to take on more of the unemployed. The steps are as follows:—

- (a) To reduce the present cost of living.
- (b) To reduce the present eighteen Ministries to ten only.
- (c) To reduce the Ministers', Permanent Secretaries', Under Secretaries', and all senior civil servants' salaries by twenty per cent.
- (d) The salaries of those in executive positions and highly paid workers in private firms or companies should be reduced by twenty per cent.

SCHOLARSHIPS FOR BACKWARD AREAS

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

THAT in view of the fact that some provinces and subsequently districts have benefited from the Government scholarships awarded in the name of Kenya by some generous and friendly foreign countries and whereas its distribution is unfair and constantly uneven, this House calls upon the Government to set aside some scholarships this year for the less-developed areas and to ensure that in future one-third of the scholarships go to such areas if the reasonable qualifications are obtainable in order to promote and centralize the true and practical spirit of Harambee.

CONSIDERED READING**BREVITY IN WORDING OF MOTIONS**

The Speaker (Mr. Slade): Before we go on to the next Order, I would remark that we have just heard notice of two somewhat verbose Motions. I would point out to hon. Members that both Movers of Motions and the House in general would benefit by economy in words. Not only is all the trapping of argument more suitable to the actual argument in the debate than to the terms of the Motion, but also very detailed propositions as well as trappings of argument give great scope for the main subject of the Motion to be missed or deliberately by-passed. I do recommend hon. Members to concentrate their Motions to the minimum of words, the minimum of detail and the minimum of support by argument.

Mr. Kall: On a point of order, Mr. Speaker, I thought before any Motion is brought to the House it is brought before you or the Clerk to the Council for approval, and I think that is the best time to advise the Mover on the economy of the wording of the Motion.

The Speaker (Mr. Slade): Quite true, but my only power of disapproving a Motion is when it is not in accordance with Standing Orders, and I am only too rarely invited by hon. Members to advise them on their Motions. Both of these notices of Motion are completely in order; I was not asked by the Movers whether they could be improved upon.

Mr. Kall: On another point of order, Mr. Speaker, I think that you can advise the Members because most of the Members present have only been in this House for a very short time, and I thought your advise would help a lot of us.

The Speaker (Mr. Slade): I have just advised you.

[Mr. Anyien] throughout Kenya, but I would like to say, for example that in Pakistan, when President Ayub Khan took power, these land reforms were introduced and as a result the President's Government has, I think, proved to be very successful at the last elections. Also in Ghana we have got certain restrictions which mean that nobody should be allowed to have too much land or to buy much land, and thereby leave others landless. In Ceylon this has also worked, in Sekou Toure's Guinea this has worked, in the Congo Brazzaville this is also working, in Mali, in Algeria, in the United Arab Republic.

Mr. Speaker, I hear some Members saying, "socialism". I am glad they did not say communism because this is what they normally say, because in the communist countries there is no question of laying down the amount of land an individual can own. In the communist countries land belongs either to the Government or to the communes and so on, and this is not what I want to introduce in this country. I am glad that the hon. Members do understand.

Mr. Speaker, I do not want to be emotional at all, but I hear some few individuals shouting; I do not know what interests they are trying to promote but I do not see why they should be shouting like this. If they actually want to say, if the individuals who are trying to shout here are trying to say that they are asking this Parliament to set up an economic situation which will make them millionaires and which will force our poor African people to go without food, they must be able to say so. And if they are not saying so, then I do not see why they should shout at me, unless they feel that they have got so much land that they are afraid. But I do not think that even a person who has got a lot of land should be afraid, because this will show him what should be done.

I hear, Mr. Speaker, the roving ambassador of Taiwan shouting at me and I think that he should—

Mr. Okwanyo: Mr. Speaker, Sir, on a point of order, is the hon. Member in order in calling an hon. Member here the "roving ambassador of Taiwan"?

The Speaker (Mr. Slade): It does not seem to me to be out of order, unless people regard it as an insult to be called an ambassador of Taiwan.

Mr. Anyien: Mr. Speaker, Sir, it was not just that hon. Member. There were several hon. Members who made interjections, and I do not think the hon. Member who has just stood up

to ask me to substantiate is the roving ambassador of Taiwan, and if he is it is just too bad.

Mr. Speaker, Sir, I should like to continue by saying that I do not know why the hon. Members are shouting at me. It is not something ideological, it is a straightforward Motion which is representative of the people who elected my hon. friend to this House and who also elected me to this House. If these few hon. Members have now forgotten the people who elected them, they should keep quiet.

I would like to say that our country's situation will necessitate some measure of African socialism, as can be seen from countries which have taken it up. And in our party manifesto we also made it very clear that we wanted some amount of African democratic socialism, which cannot be Algerian socialism, which cannot be the socialism of the United Arab Republic, but which should be a Kenya socialism, according to the conditions which prevail in our own country, with the agreement of the majority of the people who are leading our country today.

Now, Mr. Speaker, Sir, it should not be thought, as some Members seem to think, that I am talking about communism; I should like to make it very clear that this should not be taken that way, because in a communist country there is no question of anyone owning land, because this does not apply at all. This, on the other hand, is what we believe to be in the interests of the African people.

Now when I am saying this I am not saying that all land should be divided up into small pieces. What I am actually trying to say is that if the Government wishes to maintain big tracts of land then it should be able to arrange for those pieces of land to be farmed on a co-operative basis so that people will be able to get a lot of crops out of the land to feed the people of Kenya. I do not think that we need any other revolution in Kenya because the Government, led by Mzee Kenyatta, is already a revolutionary Government. If a Government which was formed after many years of our brothers and sisters had lost their lives; and I do not think anybody who thinks in the normal way would want to create a situation which will lead our country again to have a class struggle or any other struggle. I think that we, as the Members of this House, should be able to accept this Motion, and when the committee is set up by Government some of the Members of this House should be included in this committee so that when they bring the recommendations to this House they will have been reached by agreement with the majority of the Members of

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[Mr. Anyien] and, not by the wish of one Member like myself or one Member like my hon. friend, the Minister for Home Affairs, for example.

With those few words, Mr. Speaker, I would like to urge hon. Members to know that it is not for my own interest; I think it is in the interests of everybody in this country. And if we really believe that we are the true representatives of our people, we must not come here to try to fill our pockets only, when the people who elected us are suffering.

With those few remarks, Mr. Speaker, I beg to move.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until 2.30 p.m. on Tuesday, 30th March 1963.

The House rose at Thirty minutes past Twelve o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 990

SONGHOR SETTLEMENT SCHEME:
CENTRAL NYANZA PEOPLE

Mr. Odera-Sar asked the Minister for Lands and Settlement how many people from each division in Central Nyanza had been provided with land in the Songhor Settlement Scheme. Of these, how many came from Ugenya Constituency.

REPLY

The Minister for Lands and Settlement (Mr. Asquith): The hon. Member for Ugenya is aware, I believe, that the responsibility for the selection of settlers to settlement schemes is entirely in the hands of the provincial authorities led by the hon. Member for Ugenya—or any other hon. Member for that matter wishes to know anything concerning the people selected, the quickest way to get the answer would be for him to ask the Chairman of the Provincial Advisory Council direct.

However, in case the hon. Member for Ugenya was not aware of who does the selection of settlers, I have obtained the figures he has asked for from the Provincial Commissioner, Nyanza. They are as follows:—

Families who have been settled on Songhor Settlement Scheme—

From Winan Division	364
From Nyando Division	235
From Maseno Division	163
From Bondo Division	50
From Ukwala Division	72

Eight others have come from Homa Bay.

It is not possible to give the number of people from Ugenya Constituency who have been settled, as figures are not available by localities. It can be assumed, however, that a large number out of the seventy people from Ukwala are Ugenya constituents.

Question No. 1004

TELEPHONE AND POSTAL SERVICES IN
WESTERN KENYA

Mr. Okwanda asked the Minister for Works, Communications and Power if he was satisfied with the telephone and postal services in West Kenya; namely, Western and Nyanza Provinces.

If the answer was yes, could the Minister give a breakdown of the number of telephone exchanges and post offices; and the population served and the area covered by each telephone exchange and post office (excluding Kisumu and Kakamega townships).

If the answer was no, what plans did the Minister have for improving the services and how soon could the people in the area expect to have the services extended.

REPLY

The Minister for Works, Communications and Power (Mr. Mwanjumba): The Minister is not satisfied with the telephone and postal services in the West Kenya areas.

Plans for the establishment of additional post offices are already in hand under which approximately forty offices are due to be established in the two provinces shortly and already eight of these have been opened. With this expansion it is expected that ultimately there will be a post office for every 32,000 people. The speed at which the additional offices can be established depends on the availability of suitable sub-postmasters and transporters for mail contractors and these are difficult to get.

Telephone services are, however, receiving separate consideration in view of the high cost of construction of land lines and the small

[Mr. Odunga]

agreed upon by all the representatives from the local area councils, the county councils, the Provincial Councils, and all the Members of this House and the Senators from that area, leading House and the Senators and all the other people personalities, traders and all the other people concerned. Sir, that is the only solution. I, coming from the Western Province, and a man from the Coast, Rift Valley or Central Province, should not come into this House and pass a resolution for the Kenya Government to take this drastic action, without knowing the opinions of the people living in the North-Eastern Province. It would be very serious and we would only encourage the *Shifita* there to come in and encourage the people in the area to ask for secession and the Government will have to start spending a lot of money. As I understand that the emergency operation is still on, I do not think it will be wise for the Kenya Government, at the moment, to entertain the ideas by the Member for Wajir North, asking the Government to create another problem which will eventually cause the Kenya Government to spend money and use the public funds of this country unnecessarily.

The Minister when replying will tell the Member exactly what I have said, that the matter should be discussed there, and when it comes to the attention of the Government then, it will receive a satisfactory answer which will solve the problems of the North-Eastern Region. They should not come to this House and waste our time by asking for unnecessary action which will eventually cause the Government more problems.

The Speaker (Mr. Slade): I think it is very nearly time for the Mover to reply, so we had better dispose now of Mr. Gichoya's amendment. I must remind hon. Members that he has moved that there be added at the end of question the words: "if that removal will be for the better administration and happiness of the people of the district concerned."

(Question of the amendment that the words proposed to be added be added put and negatived)

The Speaker (Mr. Slade): The debate continues on the question as originally proposed. I do not know whether Mr. Niyamweya now wishes to move formally his amendment.

(Resumption of debate on original Motion)

The Assistant Minister, President's Office (Mr. Niyamweya): Mr. Speaker, Sir, I want to clarify one point which was not understood by the hon. Members of the House—

The Speaker (Mr. Slade): You cannot make another speech, Mr. Niyamweya, you can only move formally your proposed amendment.

The Assistant Minister, President's Office (Mr. Niyamweya): That being the case, Mr. Speaker, I do not intend to press my amendment having heard what the hon. Members have to say on this.

The Vice-President (Mr. Odunga): Mr. Speaker, Sir, I wish to speak rather briefly on this Motion, which I understand was brought with very good intentions indeed, but which, as the hon. gentleman both from this side and the opposite side, have said, we, the Government think that the time is inopportune for us to consider the changes. One of the hon. Members from this side has made a suggestion which is very valid, that a mutual agreement between the people themselves in this area would help a great deal to ease the movements amongst themselves in the area. Taking into consideration what has already been expressed by many Members in this House, that the situation in the North-Eastern Region at the present moment would not encourage the Government to make changes, I think the Government would be happier to leave things as the *status quo* at the present moment. Later, when suggestions come from the people, initiated by the leaders of the area, with the mutual agreement of the people, the Government will be able to reconsider the position and see if some changes can be made.

At present, Mr. Speaker, I must say that we cannot see our way to accept this.

The Speaker (Mr. Slade): If no other Member wishes to speak, I will call upon the Mover to reply.

Mr. Khalif: Mr. Speaker, Sir, it is very unfortunate that the Members in this Chamber have misunderstood completely the motives of this Motion. There are no bad motives behind the moving of this Motion. All this Motion asks for is an end to the policy of divide and rule which was introduced by the Colonial Government. I do not know why many Members seem to doubt the good motives in the moving of this Motion. Some Members are uncertain of the ultimate consequences. Many Members have said something about security in connexion with this Motion. I entirely agree that the security situation might not at present warrant the free movement of human beings and animals. I entirely agree with this, but I do not see why some Members should say that such a Motion should never be passed at all. If the reason for not passing this Motion in the North-Eastern Region, that is fair enough. To say that the Motion has bad motives behind it is very wrong.

[Mr. Khalif]

I submit that the area of the North-Eastern Region is a very difficult one, because it is semi-desert the inhabitants of the area would enjoy free movement for themselves and their animals if the Government would permit this. Some Members tended to say that the people in the area had not given me the mandate in regard to the moving of this Motion. I would like to challenge any hon. Member to stand and say that I do not have the mandate of my people to bring this Motion. Mr. Speaker, the last time I went to the area and held a meeting with the elders, the leaders, the heads, and even the Provincial Commissioner himself, and everybody, nobody wanted the continuation of such boundaries. Even the civil servants did not want them because it has been a headache, not only to the Administration but also the security forces. Instead of the security forces fighting the *Shifita*, they are engaged in trying to prevent these people coming from this side to this side and those going from this side to this side. Instead of fighting the *Shifita*, Tribal Police go out in patrols to confiscate animals of those people who cross from one side to another.

Now, Mr. Speaker, I do not see why some people should say it would be an inconvenience to the Administration and the security forces. In fact I should have thought that the removal of these boundaries would have helped them, with the security situation. The Administration of the area could be easier if these boundaries are removed.

The hon. Mr. Komora in his speech said that if this was allowed, perhaps the Somali would come to Tana River and take their grazing areas. Surely, if the hon. Mr. Komora paid a little attention to the Motion, he would have understood that we do not request that the Somalis be allowed to move to other people's areas. We only request that the grazing boundaries which exist between the Somali areas, namely Wajir, Garissa and Mandera, be removed. It does not request that the district boundaries be removed. Therefore, I do not think there was any logic whatsoever behind Mr. Komora's speech with regard to this particular point.

Mr. Speaker, I would like to make it very clear that unless we in this House know for certain that the removal of these grazing boundaries would amount to insecurity in the area, I do not see why any of us should object to such a removal. I am not opposing all those tactics employed by the Kenya Government to combat *Shifita* activities. In fact what I am opposing in

my Motion, and what I want to be removed are the grazing boundaries which existed even before the *Shifita* activities started. It must be understood. I said in my first statement that these grazing boundaries were created in 1912. Up to now there are I should think about 100,000 head of cattle which have been confiscated by the former and the present Government, because of these boundaries. Mr. Speaker, Sir, I do not see what logic there is behind opposing the removal of these boundaries.

Mr. Speaker, Sir, we should be told if it is the Government's policy to encourage the policy of divide and rule. If it is the policy of the Kenya Government to encourage the policy of divide and rule, then I am at loss in bringing this Motion to the Chamber. But, Mr. Speaker, surely as Kenya is independent now, the Government would have reviewed provisions of existing laws, so as to enable those provisions which are not practicable or which are against the national unity to be removed.

Mr. Speaker, Sir, it is very unfortunate that my hon. colleague, the Assistant Minister to the President's Office, is very reluctant to bring up his amendment. I do not see, Mr. Speaker, why the gentleman did not think to table his amendment as that amendment would have mediated the situation. If there are some hon. Members who think that the removal of these boundaries would amount to insecurity, and if I think that it would only amount to harmony between the citizens of the Somali tribe in the North-Eastern Region, I should have thought that the only mediation would be the amendment which was proposed by the Minister, which only urges the Government to review the provisions of the Special District Administration Ordinance.

Mr. Speaker, Sir, somebody had a deliberate motive to try and connect this Motion with the security of the region. Nevertheless, Mr. Speaker, there is little or no connexion whatsoever, but it is only put forward in good faith, in order to make the lives of the Somali nomads easier. Mr. Speaker, Sir, I am being interrupted by remarks by some Members from the North-Eastern Region. Mr. Speaker, I submit, categorically, that these Members who are trying to oppose this Motion are, in fact, betraying the interests of their own people, because it is their own people who keep on asking for these borders to be removed.

Mr. Ogle: On a point of order, Mr. Speaker, I think the hon. Member is trying to suggest that we have no mandate from our people, and I would like to contradict on that.

[The Assistant Minister, President's Office]

in the manner I have indicated, Mr. Speaker, I think it would be unwise on the part of the Government not to make certain arrangements as to the movement of people in these particular areas. But we would rather like to leave the matter in the hands, after the revision of these provisions, of the Special Districts Administration Act, in the hands of the Minister in charge of the Administration, who would make rules from time to time as to the movements of the people in this particular district.

Any tribesmen with genuine intentions, who wants to go from one district to another, as it has been in the past, can always get a pass from his district commissioner or provincial commissioner to visit or travel to any part of the province; he wants; and these passes cannot be denied to good citizens. Every district commissioner, Mr. Speaker, has adequate arrangements for grazing and watering of stock within his own district, and tribesmen take their stock to the places they are authorized to take them to, for this purpose, where they will not meet with other tribes who are hostile to them.

The main purpose of these provisions, Mr. Speaker, is really to try to avoid tribal clashes.

Now although I concede that we will revise the provisions of this Act, the hon. Members should know that the whole of the North-Eastern Region is at the present under a state of emergency, and therefore, even if we try to repeal these provisions today, yet we have emergency regulations applying in the whole of the North-Eastern Region and that would mean the Government would still control the movements of people in that region.

The Speaker (Mr. Slade): You are claiming twenty minutes?

The Assistant Minister, President's Office (Mr. Nyamweya): I am, Sir.

Our problem now is the problem of clearing the whole of the North-Eastern Region of the *Shifita* menace. As soon as we have been able to normalize the situation in the North-Eastern Province, I hope, Mr. Speaker, we will proceed to bring in new rules which will make the whole of the inhabitants of the North-Eastern Province happy, in the sense that whatever water facilities and grazing facilities are available, the district commissioner in charge of a district will be able to make adequate arrangements satisfactory to the inhabitants of that particular district. These arrangements can always be arrived at by mutual understanding between different districts in the North-Eastern Region.

Recently I visited another dry part of our country, that is the Turkana District and the Samburu District, where the inhabitants have similar problems, those of water and of grazing. I am quite sure some hon. Members who speak about these regions and who have not been there cannot appreciate the magnitude of the problem of water and grazing in these areas. Those who have been there know that the problem of the North-Eastern Region and some of these other arid districts, the main problem, is water, followed by grazing or pasture; and that is the reason, Mr. Speaker, why the Government pays great attention as to the arrangements which are made concerning water and concerning grazing.

The Government must ensure that every inhabitant in every district in the North-Eastern Region has adequate facilities for water and grazing. This does not stop there, and I think the hon. Members from the North-Eastern Province would help the Government by pointing out what the needs of the Province are. I sincerely believe that the need is water, the need is pasture, the need is economic development, the need really does not rely on trying to change the few provisions which are contained in a certain Act on the Statute Book.

Now, Mr. Speaker, if we were directed to these practical suggestions by the hon. Members from the area, if they could draw the attention of the Government to what the actual needs of the people are, then we would know that as soon as the conditions and the circumstances in the North-Eastern Province permit, the Government would strengthen its efforts to try to make good what is deficient in this part of the country.

That being the case, Mr. Speaker, much as I share the feelings and the sense of the Motion which has already been moved by the hon. Mr. Khalif, and the amendment, which reads that this House urges the Government to take the necessary steps to remove restrictions which curtail the movements of both human beings and animals within any of the districts of the North-Eastern Province, so as to enable the Somali nomads to move freely in search of water and pasture—I do not, Sir, dispute the sense in that amendment and Motion. My own problem, Sir, is that if a Motion is passed in this House it is always better if it makes sense. I do not say that it does not make sense as it stands, but we want a Motion which is clear. I have considered the amendment and in consequence I wish to table an amendment to the Motion. I have already spoken to the hon. Member and the hon. Member for Gichugu, who has put in an

[The Assistant Minister, President's Office]

amendment to the original Motion, and they concede that the amendment which I will put forward on behalf of the Government will go a long way to satisfy their requirements. I have mentioned, Mr. Speaker, Sir, that this House urges the Government to consider the revision of the provisions of the Special Districts Administration Act, so as to enable the Somali nomads to move freely in search of water and pasture.

The Speaker (Mr. Slade): I would like to point out, Mr. Nyamweya, that, as we are already considering an amendment of the original question, and the amendment which you proposed cannot be treated as an amendment of that amendment, but is in fact a proposal for another amendment, we cannot entertain it formally until we have disposed of the first amendment; but as soon as we have disposed of the first amendment, which is now under consideration, I can allow you formally to move this amendment without any further speech.

The Assistant Minister, President's Office (Mr. Nyamweya): Thank you, Mr. Speaker. Having indicated that there will be an amendment in the manner I have already outlined, Mr. Speaker, I do not want to labour on this point any longer. We accept that water is a very important factor in the life of the North-Eastern Province inhabitants, we accept pasture is also an important factor and we accept that adequate arrangements in the North-Eastern Province to satisfy all inhabitants in that particular part of the country, therefore, we will only try to revise our provisions so that our District Commissioners and Provincial Commissioners will be empowered to make arrangements which will satisfy all the inhabitants of all the districts of the North-Eastern Region.

Mr. Speaker, Sir, I do not want to be misunderstood by some hon. Members. Our purpose of revising the provisions is aimed at bringing the Act into conformity with the Constitution. It is aimed at giving sufficient powers to the District Commissioners, the people on the spot, to regulate water and pasture facilities available in the North-Eastern Region. With these few remarks, Mr. Speaker, I support the sense.

The Speaker (Mr. Slade): I take it, Mr. Nyamweya, that you are opposing the amendment now under consideration, because it does not agree with what you eventually want to propose?

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I oppose the two amendments as they now stand.

The Speaker (Mr. Slade): Is there any other Member who wishes to speak?

Mr. Amin: Thank you very much Mr. Speaker. While opposing the Motion, Mr. Speaker, I want to bring up some facts to this House.

Mr. Speaker, to remove the district boundaries in the North-Eastern Region would only be creating more trouble and inviting problems in the North-Eastern Region. Mr. Speaker, now that we have an emergency in the North-Eastern Region and we are also fighting the *Shifita*, we shall not be able to do anything about these boundaries.

The Assistant Minister, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, I think the hon. Member is trying to misrepresent me. I have not stated anywhere in my speech that the Government intends to remove the district boundaries.

Mr. Amin: Mr. Speaker, I did not say so. The Assistant Minister was opposing the amendment, and I oppose it also.

Mr. Speaker, Sir, this amendment will only mean useless attacks upon our people in the North-Eastern Region. In Mandera area now, we have got Garrifs and the Gorias who are fighting among themselves. It was only two months ago that 400 people were killed in Mandera District among the people themselves and this was because the Gorias crossed to the Garrifs' side and the Garrifs were crossing to the Gorias' side.

Now, Mr. Speaker, Sir, if this is going on then it will only stop the Kenya security forces who are fighting against the *Shifita* who are trying to make a settlement among the Somalis themselves. This will only mean a lot of difficulties among the Somalis. It was only five days ago when I saw the Provincial Commissioner in the North-Eastern Region who was trying to hold a *baraza* without success. This will only make a lot of difficulties and bring strife among the people of the North-Eastern Region. It does, of course, mean a lot of difficulties because we have a lot of tribes in the area and in our areas, Mr. Speaker, Sir, if we allow a lot of people from one area to move outside boundary of that area, then what we shall cause is only a war and that war which you are causing will only mean that we are supporting the *Shifita*. This, Mr. Speaker, Sir, I would like to give the hon. Members of this House time to speak, and I do not want to waste any time, but I totally reject the amendment and the Motion as a whole.

[Mr. Gichoya]

With these few words, Mr. Speaker, I beg to move my amendment.

Mr. Ngala-Aboki: Mr. Acting Speaker, Sir—

Mr. Bala: On a point of order, is it in order for the hon. Member to call the Temporary Deputy Speaker the Acting Speaker?

The Temporary Deputy Speaker (Mr. Warrihi): I think the practice is for him to be referred to as the Speaker.

Mr. Ngala-Aboki: I apologize, Mr. Speaker, but I wanted to be corrected by my friend.

Now, Mr. Speaker, I stand to speak on both the original Motion and the Motion as amended by the Member for Gichugu, and I would be very much in favour of the amendment because this clarifies the position as far as Administration is concerned, because this particular area is an area where the Administration is not running smoothly, because the Administration has to struggle with *Shifita* activities. As times, the removal of these restrictions may make it difficult for the Provincial Commissioner and his staff in the area to administer the area for the benefit, ease and progress of the area. Therefore, if this Motion is to be passed, it should be passed as amended, so that it is also going to be for the safety of the Members who come from that area. They should not allow freedom of movement of animals and human beings in an area where we already know that the movement of the people sometimes confuses the sorting out of those *Shifita*-minded people who are engaged in those activities of slaughtering others and those whose movements are for peaceful purposes; so the Administration must be asked in that area that, if this Motion is passed, in implementing this Motion, where the Member seeks to get these subsections removed, the Administration must take into account and must let the Government know exactly whether the removal of the sections will be for the peace, progress and advancement which is now required for that area. Otherwise, there would be no need at all, as far as I am concerned, for allowing freedom of movement without checking what consequences might be. We know that, sometimes, we may meet with very serious consequences in a situation where we are still struggling with fights brought about by people who are not interested in the progress of the area concerned.

I understand that the hon. Mover is not very interested in what I am talking about, but I would advise my colleague that this is for his own interests and for his own safety and, therefore, I

would ask the hon. Member to accept the amendment suggested by the Member for Gichugu because I know he did it with a clean heart and he wanted the Motion of the Member to succeed. He also wanted to see that the safety of the Members in that area is guaranteed and that he is continuously contributing to this House without having to make troubles caused by his own Motion in his own area. The restrictions should be removed because when restrictions are not removed according to the order of the House, the Member himself gets entangled in the problems of the *Shifita*. So, the position here has a lot to do with security in this matter, because the districts that I wanted to be free, the places where freedom of movement is advocated, are in the North-Eastern Region where we have just defined a situation of *Shifita* activities, fighting and so on, and people smuggling arms from Somalia and so on and people involved. Moreover, if security is not involved, this Motion could go without debate. It is true that we want freedom of movement of human beings, and we do not want to be kept in a pot like fish when it is cooked. We want to see to it that the animals and human beings must not be looked after, whatever shortages we have, whatever shortcomings we have. We must see to it that while we are allowed to move freely we are also at the same time looked after.

Therefore, I support the amendment, and the Motion, of course, according to me, is fairly clear. If Members could just give support to the Motion as amended, then we could go to the next order. I think this would help the House rather than causing unnecessary debate, and I ask the Government to accept the Motion as amended.

Thank you, Mr. Speaker.

(Question of the amendment that the words proposed to be added be added proposed)

Mr. Ogle: Thank you, Mr. Speaker, I am pleased that this Motion is to come, but before I proceed, I must say that this Motion will have serious consequences.

Mr. Speaker, Sir, I am sure it is the duty of hon. Members of this House to ask what is really the real interest of the people, and I doubt if the hon. Member for Wajir North really meant what he said on this Motion. If he really meant it, I would say that he was doing a very great disservice to his people.

Mr. Speaker, Sir, it is wrong to suggest that hon. Members of this House do not know what is happening in the Northern Frontier District simply because they have never been there. It

[Mr. Ogle] fact, most of them who have not been there have only heard about it in their geography lessons at school, and everybody in this House know where most parts of Kenya lie.

Mr. Speaker, Sir, what the hon. Member for Wajir North forgets is that these boundaries which are quite relevant were introduced when it was found that it was in the best interests of the people, and when the people asked for them.

Mr. Speaker, Sir, for the information of the House, we are having a lot of trouble in the District of Mandera, which originated from this business of people passing into another place that there were not supposed to go to.

[The Temporary Deputy Speaker (Mr. Warrihi) left the Chair]

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

The hon. Member is quite aware that two of his people from Wajir North District were passing a place in which they are not allowed to go, and the two of them lost their lives. Hon. Members are quite aware of the fact that we are having a lot of trouble with the *Shifita* in the Northern Frontier District, and if it is going to increase by accepting this Motion, then I do not see that we are doing a service to the people.

On the other hand, these boundaries are in all the countries where nomadic life exists—and this is for the benefit of the hon. Member for Wajir North—like Saudi Arabia, and the Somalia Republic. For example, in Tunisia, if the hon. Member has been there, there is a district for as long as 10 miles in which they are not allowed to live. The committee that deals with this are quite happy about it. Now, the hon. Member has 200 miles to wander about in, and I do not see that he should complain about it. On the other hand, I assure him that the hon. Member for Wajir North is not getting the jack's share, and he has nothing to worry about.

If the hon. Member for Wajir North would come along the Kenyatta Avenue, that would be of course, with the permission of the hon. Member for Nairobi Central, but his camels might collide with a train.

Therefore, Mr. Speaker, in order to allow other hon. Members to say something on this, I will conclude my speech by opposing this Motion, as it stands.

The Assistant Minister, President's Office (Mr. Njanyaya): Thank you, Mr. Speaker. The Motion, as originally put, made it rather difficult for the Government to know exactly what

the hon. Mover intended to achieve by it, but I have gone through this after listening to his speech, and after having gone through his amendment to the original Motion, I can now see what the hon. Member for Wajir North had in mind.

I see that the main bone of contention in this Motion is concerning the provisions of the Special Districts Administration Act. Now, Mr. Speaker, the Special Districts Administration Act has certain provisions, which, for obvious reasons, are intended to maintain friendly relations between people in any given district where these provisions apply. They are intended also to control the movements of the inhabitants of that particular district, primarily for their own interest and their personal safety. Thirdly, they are intended to provide the arrangements for grazing and water facilities in such districts where this Act applies.

The reason is that in some of these districts, Mr. Speaker, the Government cannot sit back and see the people fighting over grazing or water and it has to make definite arrangements so that every inhabitant of that particular district can benefit from whatever little water and grazing there is in that district. It is, though, the intention of the Government to review all the laws of Kenya, and this has been stated in the House in the past and even as recently as yesterday. The Government does not intend to review all laws and leave this particular Act, the Special Districts Administration Act, standing in isolation; we want to revise this Act, Sir, with a view to bringing it into conformity with the Constitution.

As I have said, Sir, the Act is designed to control the free movement of the tribesmen within the Province and, since we are dealing with the question of the North-Eastern Region in this case, it will not apply only to Somalis. In order to avoid the tribal clashes which frequently occur between them as a result of tribal contacts this Act was made; hon. Members must be aware that many lives and much property have been saved by the application of this Act by the officers of the Administration. The Act is also intended to protect the tribesmen from hostile neighbours who would otherwise wander about stealing livestock, killing people and burning the houses and property of the people in the North-Eastern Region. The movements of these people must be controlled and to do this the law must equally apply to our own people who indulge themselves in hostile activities against their neighbours.

Although we are prepared to concede that some of these provisions will have to be revised

[Mr. Khalif] created only for the purpose of Colonial Administration because the administration of the area was very hard then.

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

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

Of course—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Temporary Deputy Speaker, on a point of order, from the outset, when the hon. Member was moving this Motion, I saw that it had nothing to do with the Minister for External Affairs. May I have your direction on this, as to which Ministry is responsible from the context of the speech given by the Member already?

The Temporary Deputy Speaker (Mr. Wariithi): I thought the Member was just moving his Motion. I think we should give him a little more time to speak on this. From the Order Paper it is the Ministry of External Affairs.

The Minister for Internal Security and Defence (Dr. Mungai): On a point of order, Mr. Temporary Deputy Speaker, I think any Minister can answer for the Government, so it does not matter what Ministry he comes from.

The Temporary Deputy Speaker (Mr. Wariithi): Yes, quite right.

Mr. Khalif: Mr. Temporary Deputy Speaker, the position now in the area, take Wajir District for example, is that it has been divided into three grazing areas. Although the Somalis from the northern section of Wajir and the Somalis from the southern section of Wajir are all Somalis and belong to one tribe; if anyone from a section in the southerly area, is found grazing their cattle in the northerly area, then nearly a quarter of their livestock are confiscated. This subjects the Somalis to unnecessary confiscation and penalties. Its removal will help the people in the area.

It should also be noted that during the dry seasons when any given area is lacking pasture and water for livestock, then the people of that area cannot move into another area. That also subjects them to unnecessary hardships. I personally do not see why this was not removed before this Motion was brought to Parliament. We expected that this thing would have been removed a long time ago, as soon as Kenya attained its independence. It should be noted that this was introduced by somebody, a big

colonialist called Reece, who is now a Lord in the House of Lords in England. He was a chief administrator in the area. This has subjected the Somalis in the area to unnecessary confiscation. Losses in cattle usually range from 500 to 1,000 cattle, camels a year. This order is under the District Ordinance Act which, as we all know, is in existence in certain areas only of the country.

Mr. Temporary Deputy Speaker, as this Motion is a very short and brief one, I do not want to dwell very much on it, except to help the Members to understand the meaning of it. There are no motives behind it. We do not want the Somalis to move southerly into another area, we do not want the district boundaries to be removed, neither the regional boundaries. All we are asking for is for the grazing boundaries which exist in the districts, thus dividing the Somalis into various grazing areas, to be removed as soon as possible.

With these few remarks, Mr. Temporary Deputy Speaker, I will conclude by moving the amended Motion as it is.

Mr. Gichoya: Mr. Temporary Deputy Speaker, Sir, I would like to know whether I can second this and make an amendment also. I would like to make an amendment to this amendment—

The Temporary Deputy Speaker (Mr. Wariithi): Mr. Gichoya, the Motion has to be formally seconded. Then when we start debating the Motion, you can propose an amendment.

Mr. Gichoya: Mr. Temporary Deputy Speaker, may I know whether, if I seconded this, I will be allowed to move an amendment?

Mr. Anyten: I second, Sir.

(Question proposed)

Mr. Gichoya: Mr. Temporary Deputy Speaker, Sir, I would like to make an amendment to this amendment, and I would like to put it first so that I can speak freely and with confidence. My amendment starts from where the other amendment ends. It is as follows, "if that removal will be for the better administration and happiness for the people of the districts concerned." That being the—

The Temporary Deputy Speaker (Mr. Wariithi): You will have to give the amendment in writing.

Mr. Gichoya: Yes, Sir.

Sir, we have been confronted with a problem here which was created long, long ago, not only for the good of the area under those circumstances, but not perhaps for the good of the

[Mr. Gichoya] under the present circumstances. Now, the whole removal of these restrictions will depend mainly on the Administration being satisfied that the removal will mean better administrative arrangements—

The Temporary Deputy Speaker (Mr. Wariithi): I may just mention that the amendment from Mr. Gichoya cannot be divorced from the original Motion. So when Members speak on amendment, they can as well speak on the Motion. They will be dealt with together.

Mr. Gichoya: Mr. Temporary Deputy Speaker, Sir, the intention of my amendment is not to segregate the people of the North-Eastern Region. It is to make it possible for the Administration to use its own methods of finding a solution in the area, and not for the Parliament to dictate to the Administration. The solution in that area perhaps may not require the removal of the restriction. It gives the Administration a wide field so that it can find the best solution for the happiness of the people, the inhabitants of the area and the smooth running of the Administration.

Another point which ought to be taken into consideration, and which I did take into consideration, was the question of the *Shifia* in the area. The restrictions, if they are removed without the approval of the Administration, it may make it very difficult for the operation of the Administration in that particular area, because the *Shifia* might move from one of the quiet areas to the troubled areas and create more trouble or move from the troubled areas to the quiet areas and make them also troubled areas. Consequently, the situation in terms of *Shifia* menace, will never be put in check for a long time. On the other hand, everyone really feels it is necessary that the conditions of our people must be made easier. A free state means that the welfare of the inhabitants will be taken into consideration.

So, the happiness of the people and the smooth running of the Government should be taken into consideration, and in doing this, I would like to move this amendment. There has been a kind of solution in that area, as far as I know, where people are approved of on a clan basis. Either they differ in the way to find out the way to bring these clans together into an indigenous society, or to let them live as they are if that is for the happiness of the area, and the happiness of the country. We should aim at integrating the people of Kenya rather than keeping them in tribal compartments, racial compartments, tribal compartments, clan compartments. We

must aim at bringing them together in the *Harabee* spirit of give and take. This is a big challenge which the country is facing today and I believe the Members from the North-Eastern Region who come from different clans, will agree with me that the idea of building one nation means sacrificing and forgetting the smaller ties, and aiming at greater ties. That is movement from the small ties to the greater ties. The bigger tie today in Kenya is the country, the nation as a whole. The smaller ties in Kenya are the tribes. Now these small ties must give way to the bigger ties, and therefore the Members from the North-Eastern Region must consider this.

This is their internal problem, but it is a national problem. An internal problem for a particular area will keep the national activities either behind or will make them move ahead. The internal problem of the North-Eastern Region is really the concern of the nation as a whole. Consequently, we should aim at trying to find a solution, an amicable solution, and not creating problems where problems need not be in existence.

I understand that in the good colonial days these people, the North-Eastern people, the Somalis, were being put into small compartments, isolated from one another for the sake of divide and rule, a policy which does not necessarily go very well with the present status of Kenya. We believe in national integration and we cannot integrate the people if they are still maintained in these old colonial compartments of isolation, either by one Government or another. We are now facing the problem of the Somalis, that the Somalis say they are a community by themselves, because the idea was conveyed to them by the former rulers of this country, the colonialists, who divided the people of Kenya into small segments, the Massi, Boran, and so on. These Massi have no development or anything, in terms of development. Today, it has become a problem of the Kenya Government to help these people, but it was the intention of the colonial rulers who believed in dividing the people into compartments. Now, it is up to the National Government of Kenya, and particularly the National Assembly, to make it possible for our Administration to find a solution for the Motion on hand, as amended by the hon. Member for Gichugu. The Administration must see it put it in black and white that the conditions of North-Eastern Region should be improved. If they cannot do so, the Government must accept those conditions if they are for the good of the Administration and the happiness of the people of Kenya, as far as we are facing the *Shifia* menace.

[The Minister for Internal Security and Defence] away with this menace in the North-Eastern Region.

Mr. Speaker, Sir, in the Organization for African Unity Meeting which was held in Lagos, Kenya and Somalia were asked by the Organization for African Unity to refrain from doing anything that may cause bad feeling between the two countries. We have not supplied arms to anybody to cross Somalia and disrupt their good Government over there, good or bad or stupid as it was called, I do not know. We have not, and if the Republic of Somalia respects the Organization for African Unity and would like to remain as a good Member, a supporter of the Organization for African Unity, they should respect this request from the Organization for African Unity, and they too should not supply arms to anybody to go and disrupt any good Government and terrorize the people. This was requested so that good relationship could start to exist between the two countries and we are not waiting for this to stop, because, what are we fighting for? What are they fighting for? They are never going to get the North-Eastern Region. We are anxious to develop social conditions for the people over there and this is what we have started to do. Instead of wasting their money and ammunition sending their people to come and fight in Kenya, why do they not do what we are doing and let them build their hospitals, their schools and provide water for their cattle, instead of trying to come across.

This is what we are persuading them to do and we are quite willing to discuss peaceful existence and common development of both Somalia and Kenya on both sides of the border, but not to discuss the North-Eastern Region, which is a part of Kenya and which we are never going to give to Somalia, at any time, today or tomorrow; and if they try any more funny business like crossing with troops, then they are going to find that the men of Kenya are going to respond and they are going to conquer the whole situation.

Mr. Speaker, Sir, I beg to reject this Motion on the basis that it brings about negotiations on the North-Eastern Region which is an integral part of Kenya which we cannot negotiate with anybody.

The Speaker (Mr. Slade): It is now time for the Mover to reply.

Mr. Rumbunban; Mr. Speaker, Sir, I would like to thank the hon. Members who contributed to this Motion. I was a little surprised to see that some other Members who spoke on this Motion did so rather emotionally and tried to go out of the scope of the Motion.

To start with individual points, the hon. Member, Mr. Ngala-Abok, said that the door is open, if the Somalis want to initiate negotiations with the Kenya Government. Sir, I do not think it really belittles our Government if it starts seriously to consider negotiations with the Somali Government in order to bring about a solution of the Northern Frontier District question. If our Government really is committed to the principles and the tenets of the Organization for African Unity, we should be willing to negotiate with Somalia. I should say that I do not want any sort of war between the countries. So long as the Kenya Government and the Somali Government are at loggerheads on this issue, I am sure that it will cause war between Kenya and Somalia later on.

Sir, some of the Members who opposed this Motion do so because they have not suffered at the hands of the *Shifita*. They have not even lost a single piece of property or some of their members. I am sure that if the Members who opposed this Motion had lost their brothers through the *Shifita*, they would not have spoken the way they have today.

Another point, Mr. Speaker, is that it seems as though most Members who spoke on this Motion threw the responsibility for the solution to the North-Eastern Region problem to the Somali Members, and they are not aware that even the Members from that area are the targets of the *Shifita*. I believe the House is aware that the brother of the hon. Mr. Khalif only recently returned from Somalia where he was smuggled.

Sir, I do not deny the fact that the Kenya Government is not doing all that it can to develop the North-Eastern Region. I know it does; but to seek a solution it ought at least to convene a meeting to try and convince the Somalia Government that what they are doing at the moment to back up the *Shifita* is not good. That was my aim. I did not say that if the Kenya Government convened a meeting with the Somalia Government that shows that our Government is cowardly. Sir, the Minister for Internal Security and Defence said that Kenya is not prepared to sit with the Somalia Government and discuss the solution of the Northern Frontier District. If Kenya stays like that and the Somalia Government says that they are going to supply arms to the *Shifita*, who are suffering? The Kenya citizens, the loyal citizens of Kenya. That is the reason why I moved a Motion on an adjournment recently and I told the House that the Samburu have so far lost about seventy lives and so many head of cattle. Supposing it was the Kikuyu who had lost those seventy lives.

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was the Luo, I do not think the Members would then have spoken in the way they have today. Sir, my whole aim is to seek a peaceful solution because even the Somalis themselves are now demanding a solution to this problem. If they now really wish to support this Government and they are now seeing how they are suffering, I do not see how they are going to support this Government again.

Sir, my aim was to ask the Kenya Government not to act so that it looks little or cowardly, but if it is really committed to the principles and tenets of the Organization for African Unity, and again, for humanity's sake, it should convene a meeting with Somalia and convince them that what they are doing is not good.

Sir, the hon. Mr. Gichoya was very brave and he said that if we can get equipment for defence, we can even declare war now on Somalia. That is not the right attitude. All independent African States are looking to the Organization for African Unity, trying to seek way for independent African States. If each self-independent State says, "We are now independent and we can do anything to another independent African State", things just become worse. Surely, the tenets of the Organization for African Unity will not really be effective.

With these few words, Mr. Speaker, I support the Motion.

(Question put and negatived)

MOTION

GRANTIES: EAST AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION EMPLOYEES

That this House views with grave concern the question of the East African Railways and Harbours employees who lost their gratuities after completing the period required by the Railway Administration by virtue of the fact that they were arrested and detained during the State of Emergency in Kenya between the years 1951 to 1960.

Mr. Waridhi: Mr. Speaker, Sir, since notice of this Motion was given some time last year, a series of discussions and consultations have taken place with the Ministry of Works, Communications and Power and the East African Railways and Harbours, and satisfactory progress has been made, and because all the points have been fully satisfied, I have no intention of moving this Motion.

(Motion by leave of House withdrawn)

MOTION

REMOVAL OF RESTRICTIONS OF MOVEMENT: NORTH-EASTERN PROVINCE

Mr. Khalif: Mr. Speaker, Sir, before I move the Motion, I would like to request to be allowed to make an amendment to it. The amendment should read as follows:—

That this House urges the Government to take the necessary steps to remove restrictions which curtail the movement of both human beings and animals within any of the districts in the North-Eastern Province, so as to enable the Somali nomads to move freely in search of water and pasture.

The Speaker (Mr. Slade): Yes, Standing Orders provide that an hon. Member may change the form of his Motion at the time of moving it. If Mr. Speaker thinks that it is similar in substance and there is no hurt done to anyone, I see no harm in the alteration Mr. Khalif proposes, so he may move his Motion in the terms which he has now stated, instead of the wording on the Order Paper.

Mr. Khalif: Mr. Speaker, Sir, this Motion is a short one, and it simply requests the removal of grazing boundaries in the districts of the North-Eastern Province. Members should not misunderstand the meaning of the Motion. It does not request the removal of the regional boundaries, it does not request the removal of district boundaries, neither does it ask for the Somalis to move southwards from their region into other regions. It only requests that the grazing boundaries which exist in any given district in the North-Eastern Region should be removed.

This, Mr. Speaker, is very essential. I fail to understand how grazing boundaries should divide the Somalis who are a nomadic tribe and thus make it hard for a section of a tribe to move from area to another.

The Speaker (Mr. Slade): Sorry to interrupt, Mr. Khalif, but in the absence of the Deputy Speaker, I have to ask permission of the House for Mr. Waridhi to take my Chair for a short time. Can I please have that permission?

Thank you. Will you continue, Mr. Khalif.

Mr. Khalif: Mr. Speaker, these boundaries were created by colonialists in pursuit of their own policy of divide and rule. I fail to understand why these grazing boundaries should exist now when Kenya is independent. These boundaries were in existence as far back as 1912. They were

Mr. Khalif: However, Sir, I would like to say that before we in Kenya, or the Government of Kenya, approach the Somalia Government for an amicable solution of this issue, it may be wise for the Kenya Government to try and settle this thing internally first of all.

Mr. Speaker, Sir, I would like to say that to start with, the Kenya Government should change its attitude towards the law-abiding Somalis in the North-Eastern Province. If an amicable solution is to be reached, it should be achieved, this Government should surely change its present hostile attitude towards the inhabitants of the North-Eastern Province. So many times we have heard this Government urging the inhabitants of the North-Eastern Province to be loyal, co-operative and report any unusual incidents which could lead to the security forces capturing the *Shifita*. However, Mr. Speaker, we cannot have this thing one way; if the Somalis in the North-Eastern Province are to co-operate with the Kenya Government, the Kenya Government surely should be prepared to change its hostile attitude towards our people.

It should co-operate with our people; it should, for instance, treat our people as any other tribe. We should not be treated as second-rate citizens and then be expected to co-operate with the Government. We will not co-operate with any Government which is prepared to treat the Somalis in the North-Eastern Province as second-class citizens. The fact, Sir, that there is a handful of our people among the *Shifita* in the North-Eastern Region does not necessarily render the Somalis in the province second-class citizens.

Mr. Speaker, Sir, I do not see how the Somalia Government and the Kenya Government could come to an amicable solution when the people in the North-Eastern Province are themselves discontented with this Government. They are. There are indications today that my people in the North-Eastern Province are very much discontented with this Government because this Government has shown a hostile attitude towards our people. Therefore, Mr. Speaker, although I quite agree with this Motion, my advice is that an amicable solution which would stand, cannot be reached, unless this Government changes its tactics, its attitude, and treats the Somalis in the North-Eastern Region just like any other tribe in Kenya and stops treating us as second-class citizens.

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

The Speaker (Mr. Slade): I must apologize to Mr. Khalif; my arithmetic has not been very good, and I have miscalculated the time for the hon. Member to reply by ten minutes. However, it is

quite fortunate because the Minister who intended to reply on behalf of the Government had not realized that there was a shortage of time; and there are therefore now ten minutes available for him.

The Minister for Internal Security and Defence (Dr. Mungai): Thank you, Mr. Speaker, Sir.

Although really this Motion belongs to External Affairs, on behalf of the Ministry of External Affairs, I am replying for Government.

Sir, if you look at this Motion, the beginning of it is well worded until you come to the very last line: "... an amicable settlement of the North-Eastern Region disputes". I think we should make it very clear, Sir, and the Somalia Government should bear and know that the Kenya Government is not about to sit-down with the Somalia Government to talk about the North-Eastern Region. The North-Eastern Region is a part of Kenya and there is no time today or tomorrow when our Government is going to approach Somalia to talk on the North-Eastern Province disputes. There is no dispute as far as the Kenya Government is concerned. Every inch of the North-Eastern Region is a part of Kenya and not a part of Somalia and there is no negotiation on that basis. We mean to maintain all parts of Kenya as parts of Kenya, and a very good example was given here, that we have very many nationalities living here. If we give one inch to Somalia, that we are going to negotiate over the North-Eastern Region, then because there are many Indians living in Pangani we will have to negotiate with Pangani with India before they claim it back. Then we will find ourselves negotiating with Muthaiga with the United Kingdom because many Europeans live there. Will these negotiations ever stop?

So when I say that we are not going to approach them on this, I mean it and we have the full support of all the peoples of Kenya. I find that the Somalis who live in the North-Eastern Region—I have been there several times—support this Government fully on this question.

They have told me themselves, and they have told me publically and repeatedly, that the North-Eastern Region is an integral part of Kenya and they will never let it go to Somalia. They, themselves, have told me that. Therefore, when I say that we are going to use Kenya's might, the Army, the Police, and now we are building up an Air Force and a Navy, to defend this area from invaders or any nonsense, we are going to do so with the support of all people of Kenya plus the Somalis in the North-Eastern Region. I must say that our gallant men in this area have done extremely well. The conditions have been

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and we are moving out of colonialism and there are all kinds of tricks that were going on over there, but since these gallant men of Kenya took over they have been doing extremely well and I am sure the hon. Members from the North-Eastern Region will agree with me, that we have beaten the stuffing out of the *Shifita*. May I also emphasize that if Somalia wanted peaceful co-existence with Kenya, we are prepared. Indeed, during the African Summit Conference in Cairo in July 1964, the Kenya delegation approached the Somalia delegation to start talking about peaceful co-existence and development, but not negotiating the North-Eastern Region, and even at that time the Somalia Government did not respond properly and did not co-operate, and then they were having difficulties at home with their Government and therefore they went home without giving any kind of an answer. Therefore I should let them know, if Somalia troops were to cross the border to Kenya then they would be returned with all the might we have and drive them all the way back across to Mogadishu and beyond.

We, in Kenya, believe in peace and we are going to emphasize peaceful co-existence of all African States, and indeed, brotherhood. But we do would urge the Somali Government to recognize that although we are being peaceful it is because we want to promote development in Kenya and in the other territories, not because we do not have the men or the arms to deal with Somalia in a very definite way. I would like to assure hon. Members who were talking about ammunition and arms in Kenya, we have plenty to be able to handle Somalia any day, and we have men, and jet pilots, and we are quite ready any day to handle them.

Let me say, Sir, that the solution is not only talking. I say that we believe in peace and we are going to emphasize peace, and we are going to emphasize development in the area for the Somalis. I therefore would say, as far as this is concerned, that the everlasting peaceful solution for these areas is not our having troops in the area, or even in our accumulating ammunition in Kenya so that we can use it, but we have a strong army. These are only temporary measures that we should be ready to use any day, but I would like to emphasize that the Kenya Government would like to have the North-Eastern Region area developed. We would like to build many schools over there, so that these places that have lacked education in the past, and schools, may have a chance of development as much as the other provinces. These people are pastoral and nomadic; they keep cattle and they need water

and we have to remember that we have to do better in the North-Eastern Region for the population over there than the Somalia Government does for the people who are across the border in Somalia, so that in comparison those people who live in Somalia would prefer to come and live in Kenya, and become Kenya citizens instead of Somalia making a lot of noise.

Mr. Speaker, Sir, this Government has embarked on the development programme for the North-Eastern Region where in a place like Garissa we have built a very modern hospital, that is even solar-heated and there are very few in Somalia like this. This is the only one we have started, and we are going to continue to build them in Mandera so that even the people of the Republic of Somalia can cross over to get the benefit of treatment from our good doctors and our hospitals that we are going to develop in the area. These people must feel that they are no longer neglected as they were during the Colonial Government time and that this Government means business to develop the area and to have them treated, not with any kind of discrimination but as first-class citizens of Kenya in every respect. Here I would say that the hon. Members for that area are doing extremely well. Sometimes I have been with them and they have explained to the people the aims of this Government. They have made it clear to them that they have been fed with propaganda from the Republic of Somalia and there are some seeds of hatred that have been created between the people there and the Government; but now the attitude has changed so much that in fact when you go over there they all come out with flags and receive you very well and they want to take you home and you feel that you are quite at home in the North-Eastern Region just as much as I do in the North-Eastern Province. This is a credit to the hon. Members who are in this House from the area and also to the Members of the Regional Assembly who have decided fully to co-operate with the Kenya Government. There are others, though, who still, because of, maybe, personal gains that they get, either in terms of funds or because they are ordinary common-born criminals, are trying to lead gangsters over there now, without real support from the people, and this has been shown because the local people have joined with the police force as Tribal Police and they fight, by side, and they give the proper information as to where these *Shifita* are to be found. So because of this we are meeting with a lot so success that before we could say this is good, as I said before, we are getting very good co-operation from the leaders of the area in trying to do

[Mr. Ogle.] Indeed. The cruel act of killing and brutality which has been continuous in the North-Eastern Region, must be stopped. We all share that view I think. On the other hand, we cannot reduce this cruelty on a military idea only.

The only other way that we could deal with the matter is by this Motion that was put forward by the hon. Member for Kororoi.

Mr. Speaker, Sir, if I may say so, the Somalia Government, especially the present one, has been very helpful as far as it is concerned, and to prove my allegation, recently we had two chiefs who were abducted and taken across the border to Somalia. These two chiefs were brought back, and this was the final co-operation which was shown by the Somalia Government. On the other hand, the propaganda which existed, or which was directed from Radio Mogadishu to the local inhabitants of the North-Eastern Region was stopped, and that was the clear final co-operation. Now, the only thing I could tell hon. Members of this House is to refrain from cheap criticism of the Somali Government which might provoke them. We could do very little, in fact, without the co-operation of the Somalia Government, and as a Member of the North-Eastern Region, I know much, and if the Somalia Government still continues, or they direct their propaganda from Radio Mogadishu to the people in the North-Eastern Region, we shall have the same problem that we had. There is no point in asking the hon. Members of the North-Eastern Region to co-operate as hon. Members said just now, because what we have done could eradicate this, and I do not think any Member could suggest that we are not doing our best. On the other hand, I could not say that because the Somali Government is showing an unfriendly attitude, we should sit back and forget what we are doing here in Kenya.

Under Article 6 of the Somali Constitution, it is clearly laid down, Mr. Speaker, that the N.E.D. belongs to them, and because of that, that is why I say that our Government should not just sit back and forget that we have to defend our territory in the North-Eastern Region and the Northern Frontier District.

Mr. Speaker, Sir, what I would like to confine myself to is just to supporting the Motion as it stands, because it will give us something, even in the case of the Somali Government being reluctant to negotiate. Another hon. Member just stood here and said that the Somali Government was ignorant, stupid or primitive, or something of that kind, but I think, Mr. Speaker, there is a Standing Order which prohibits that hon. Members should say anything of that kind to a friendly

country, so could we know the reason why it was allowed to continue in that way?

The Speaker (Mr. Slade): You are quite right, Mr. Ogle, it is in Standing Orders, but "friendly relations" depends on the attitude of our Government. We have been told that we have ceased to have friendly relations with Somalia. About a year ago, or a little longer, the President, who was then the Prime Minister, told us in this House specifically, that our relations with Somalia were no longer friendly. So that Standing Order does not apply.

Mr. Ogle: Thank you, Mr. Speaker, on the other hand, what the hon. Member said was that the Somali Government was primitive. This will go to the Somali Government, this is going to be reported in the Press, and so on, and I think we must be reasonable when we are speaking in the House.

However, I will conclude my speech here by supporting the Motion as it stands.

Mr. Gichoya: Mr. Speaker, Sir, I have just a few points to make on this Motion. One of them is that the hon. Member from the North-Eastern Region, or Province, is a true representative of the Somalia Government in Kenya, unfortunately within the Parliament of Kenya. It is true that he has enlightened the House that Article 6 of the Somalia Constitution says that the North-Eastern Province is a part of Somalia, and I thought he was going to tell us that he, himself, does not believe in that, and we should regard the Somalia Republic as an alien Republic—

Mr. Ogle: On a point of order, Mr. Speaker, I think the hon. Member, Mr. Gichoya, is making a serious allegation against me. I said that I do not believe in Article 6, although it is laid down in the Constitution of the Somalia Republic, and I do not see the reason why he should charge me.

Mr. Gichoya: Mr. Speaker, Sir, what I said is that as long as the Member does feel that the words which have been spoken previously on the Somalia's public conditions that is, that the Government of Somalia is a Government which is led by people who do not understand what they are doing—I think the Member did put before the House that it was wrong to use such terms towards a friendly nation, or a country which we are trying to prove is unfriendly, by quoting the incidents that Mogadishu Radio does not broadcast what it did before, shows exactly that he really sympathizes with the Somalia Government as a representative of Kenya.

Mr. Khalif: On a point of order, Mr. Speaker, I am seeking your guidance on this. I wonder

[Mr. Khalif:] whether the hon. Member is in order to allege that the hon. Ogle sympathizes with the Somali Government?

The Speaker (Mr. Slade): He is not justified in saying that. He must withdraw it.

Mr. Gichoya: I withdraw that, Mr. Speaker.

What we know of the Somalia Government from quite a number of years back is that it is a Government of expansionists. The Somali people, or the Somalia Republic believes in Greater Somalia, and this Greater Somalia will be created by getting portions of Kenya and Ethiopia and merging them with existing Small Somalia, to form Greater Somalia. Either the Kenya Government, accepts like fools, that their own territory must be cut off from Kenya and be made part and parcel of a foreign country, or—

That is the principle which governs the existing Government of Somalia, and the previous Government of Somalia, that they must create a Greater Somalia. One thing must be certain, Sir, that in Kenya we have so many communities. We have European communities, and they do not say that "we, as Europeans, must have an area, or a portion of the country, and make it a part of the particular country that we belong to". The same thing applies with Asians. We have many Asians, Pakistani by origin, but they cannot claim that they must have an Indian place or a national place, because they cannot be joined together. We have to accept to live together, and the Somalia Government must accept, as well as those Somalis who were in Kenya must accept, that they are part and parcel of Kenya, and there is no question of saying that they must have certain parts. I will use the President's words, when he was Prime Minister, that if the Somalis want to go to Somalia, they can easily do it by packing up their cattle, and going there.

But the soil of Kenya will remain inch for inch as it has been from time immemorial. We have now got a case, Mr. Speaker, Sir, that if we are expansionists we ought even to have claimed Jubaland which was part of our own country in the past, but because we believe in a good relationship with our neighbours we say, "All right, Somalia can retain that part, it doesn't matter, but let others remain as they are and develop." We aim at development and not just mere bickering and thence. What I suggest to the Government of Kenya is this: that the Minister for Defence must make an effort to conclude a treaty with one of the big powers—I do not care whether it is America or Russia—so that we get enough equipment for our armed forces and we fight the

Somalis, teach them a lesson, tell them we are not children and we can teach them, if they are primitive, how to live like good neighbours. If we are weak first, definitely the Somalis will always have the excuse of trying to keep us busy dealing with the *Shifita*. What are the *Shifita*? It has been proved that they are organized, trained and manned from Somalia. If that Government says we are dealing with petty raiders, this is wrong. The Government of Kenya must come here and make it clear that we are at war, total war, with Somalia, and from then on we shall give the Government adequate finance and personnel to fight a war, not just mere guerrilla warfare.

We cannot tolerate this; it is just frustrating the plans we have for implementing African socialism. African socialism, Mr. Speaker, Sir, has to be implemented and the money that is being wasted today just because we fear, fear, fear the *Shifita* must be used to crush the Somalia Government, if that is necessary, if they do not stop raiding our own area.

Mr. Speaker, Article 6 of the Somalia Constitution, which has been mentioned, has been made by selfish people. Ours is clear, it is understood. What we should do today is to declare that Somalia has already accepted to fight us and we should be prepared to fight them. The Minister for Internal Security and Defence, unless he tells me now that he is prepared to go and contract an arrangement with one of these powers so we have enough equipment, I will say he must resign and then we can have a better Minister to deal with the defence of this country. It is wrong that our people are being killed here and there, as if we were children, as if we were women. The Minister must accept that Kenya is a country of brave men and women and that we cannot tolerate this cheating sort of thing that makes us feel that we are inferior to the Somali people.

With these few words, Mr. Speaker, Sir, I disagree with this Motion and say it must be modified to force the Government to contract a treaty with a big power so that we fight a total war with Somalia.

Mr. Khalif: Mr. Speaker, Sir, I rise to support this Motion but also present a few ideas. Mr. Speaker, Sir, I quite agree with the idea of approaching the Somalia Government in an effort to try to get an amicable settlement of the North-Eastern Province problem. However, Mr. Speaker—

The Speaker (Mr. Slade): I am sorry to interrupt you, Mr. Khalif, but I must warn you, you have only five minutes before I must call on the Mover to reply.

[The Assistant Minister, President's Office] House is aware, the Republic of Somalia is known by this House and the people of the country as an unfriendly country. I know, Mr. Speaker, we are not at war with Somalia; we are not in what one would call a state of armed conflict, but we are, in no doubt, in a state of confrontation with the Republic of Somalia, and this comes over on the question of the North-Eastern Region.

The Republic of Somalia is casting its covetous eye on the territory of the Republic of Kenya in this particular part, being the North-Eastern Region. The Government of Somalia is aiding, abetting and harbouring the *Shifita* in many ways. The Government of Somalia knows exactly what it wants. It has deliberately tried to undermine the authority of the Government of the Republic of Kenya in the North-Eastern Region, and believes that this situation will continue so long as what it believes to be one of their five stars is still held by the Republic of Kenya. We in Kenya believe that we do not own one of the five stars of Somalia and the Government is not prepared to concede one inch of the territory of Kenya to the Somalia Republic or, for that matter, any other foreign power.

The Kenya Government believes in maintaining the integrity and sovereignty of the Republic of Kenya by excluding all external influences which are destructive or subversive, whether these influences emanate from Somalia or from any other foreign power. For this reason, Mr. Speaker, it would be very unfair for the Government of Kenya to initiate discussions around the table with a Government of a foreign State which with we are already in major disagreement and which seeks to deprive the Republic of Kenya of what it believes to be its own. It is the duty of the Government of Kenya to protect the interests of all citizens of this country; it is the duty of the Government of Kenya to exclude any undesirable elements from the territory of Kenya. That is why I say, Mr. Speaker, that it is very unfortunate that this Motion has come in at this particular time. We were anxious before that the question of the North-Eastern Region should be discussed in a very friendly way with Somalia, to stabilize and normalize the situation at the inter-territorial boundaries of Kenya and Somalia, but the Somalia Government deliberately, after sending their delegates to Nairobi and after our delegates from Nairobi going to Mogadishu, and after having discussed this particular matter, trying to normalize the situation at the border, put up propaganda machinery from Mogadishu which was intended to incite the loyal and law-abiding citizens of Kenya. Not only did they put up

this propaganda machinery, but the House and the Government are aware that most of the ammunition and arms which are used by the *Shifita* come from the Republic of Somalia. Most of the *Shifita* who operate their activities in the North-Eastern Region do so and then dash to be harboured by the Government of the Republic of Somalia. It is because of these factors, Mr. Speaker, we are really in a state where perhaps some of us, as some hon. Members have stated, feel we should be in a state of war rather than in a state of confrontation with Somalia rather indirectly.

I am quite sure that some hon. Members would have taken stronger measures, more so than the measures which are now being taken and confined only to the North-Eastern Region. I am quite sure that there are certain hon. Members in this House who would encourage the Government to go to the extent of declaring physical hostility towards the Government of Somalia. Because the Government of Kenya intends to confine itself to all the rules and principles of the international comity, we are therefore confining our activities to the sole purpose of eliminating the whole of the North-Eastern Region from the *Shifita* menace. This is not the policy of appeasement as has been referred to by the hon. Member for Karachuonyo. The hon. Member for Karachuonyo is less militant than the hon. Member for Nyaribari.

For these reasons, Mr. Speaker, I believe that the hon. Members will concur with the views expressed by the hon. Member for Homa Bay to object to this Motion in full. We have been trying to look into the old Motion to see if it would be possible to amend it in any other form so as to accommodate the views which have been expressed by the hon. Member for Korossi. But as things stand now and our relationship with the Government of Somalia as it is, we believe it is the duty of the Kenya Government to uphold the integrity, independence and sovereignty of the Republic of Kenya by keeping the hands of Somalia off the North-Eastern Region.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Mr. Speaker, Sir, while I agree with the views expressed by the Member for Homa Bay, I still maintain that the intention of the Motion, as moved by the hon. Member, is not very bad. The Member for that area, at weekends, when he goes to his place, finds that cattle have been taken away from his people, and that his people have been killed. It is a very serious situation, Sir. The intention of the Motion is, because the members of his

[The Assistant Minister for Commerce and Industry]

constituency are always complaining to him about what steps the Government has taken towards quelling the *Shifita* activities in that place, quite clear. But for the information of the Member, the Kenya Government has tried its level best to negotiate in talks with the Somalia Government. They come here to Nairobi and the Kenya Government at the same time sends representatives to Mogadishu, but the Somalia Government has no intention of coming together. Therefore, all it remains for Kenya to do today is to defend herself.

Mr. Speaker, I think the Kenya Government is doing all it can to see that enough security forces are sent to the North-Eastern Region to defend the citizens there. Sir, if the Member for Korossi thinks, as I am thinking, that the security forces are inadequate, it is high time that the Kenya Government saw fit to employ home guards, those Samburu *Moran* who consider themselves the best people in the world, the best *Moran*. The Turkana who are there also consider themselves to be the best men. They should all be employed by the Kenya Government and be made home guards so that at night when the *Shifita* come, they are already on the spot. People can look after their property, Sir.

These people in the North-Eastern Region, the Samburu people, the Turkana people and the rest of them can do a lot. I think they can help out by working free to defend their people. If the Kenya Government can just give them help by giving them weapons to defend themselves, and they have people in charge who are responsible, so that they will not kill each other as they used to do, that is the only way the Kenya Government can increase the security forces in that area. It is very important that the Kenya Government reconsiders employing home guards to defend the people of the area. This is very important. During the Emergency, we learned that home guards did a lot to defend the people on the spot and I see no reason why, at this time when there is an African Government, we should not employ home guards for the defence of our own people at night.

I believe that we might have enough security forces there, but there are places where there are not. The people in that area are always asking to defend their own people, but they must be given facilities. So, I suggest this. While I appreciate that the Kenya Government has done all it can to defend Kenya soil and Kenya citizens, I still insist that we should introduce

and employ home guards and give them weapons to defend themselves.

Another point which was raised by the Member for Homa Bay, is that we have Members from the Somali community and members from the North-Eastern Region in this House and in the Senate as well. Another way we can convince our people in the North-Eastern Region not to act in the way they are acting now is to hold public meetings and these Members from the North-Eastern Region should invite Members from this House to go and talk to the public to see how we convince them. Then they will get away from the idea of killing each other. Mr. Speaker, this is very important. I ask the Members from that area to convene meetings, and Members from this House should go there and show these people that they are only being cheated.

Mr. Speaker, Sir, I see no point in saying that the colonialist methods of drawing up arbitrary boundary lines to disunite Africa. I know that to a certain extent there is a mistake there. Before the colonialists came to this country, we were already separated. The Massi were sitting alone, the Kikuyu were sitting alone. The other tribes were sitting alone. The question of the Somalis claiming that the territory belongs to them does not arise at all. We Masai have half of three-quarters of our tribe in Tanganyika. The Masai have never come forward and claimed that we want that soil because it is ours. Whether it is in Tanzania or whether it is in Kenya, it is still African land. So they are ignorant, Mr. Speaker. It is really surprising. Therefore, I urge that the Members from that area should try to arrange meetings and we will all go there to try to educate our people so that they get rid of the idea of thinking about Somalia like that. There is no difference. We are all Africans, we are longing to rule Africa and to unite Africa. There is no question of Somali, Masai, or the rest. We are all Africans, we are all black men.

Mr. Speaker, that goal can be achieved only if we educate the masses. I urge the Members and I ask them not merely to oppose the Motion because it makes sense. It should be put in a way that the Kenya Government should increase the security forces and try to educate the masses of that particular area.

Mr. Speaker, Sir, with these few remarks, I beg to support the sense of the Motion.

Mr. Ogle: Mr. Speaker, Sir, I rise to support this Motion as it stands, since it is talking of settlement of the North-Eastern Region, which is something which we all would like very much

[Mr. Kase]
North-Eastern Region to be ceded away, but we would like our Government to find out whether they can reopen diplomatic relations. If they cannot, Mr. Speaker, Sir, there is the resolution from the Organization for African Unity. I wonder whether our Government could persuade the Organization for African Unity to ask Somalia to abide by the resolution, and if they cannot, then take them out of the Organization for African Unity, because we are placed in a position in which we are helpless. If Somalia is ready to recognize the resolution of the Organization for African Unity passed in Cairo, then they should be able to settle this trouble.

The other thing, Mr. Speaker, which I would like to say is that, our Government seems to be a bit slow, or weak. It should, I think, at this stage, take more serious steps with the Somalia Government, because it is clearly known that the Somalia Government is helping these *Shifita*. You know, Mr. Speaker, Sir, that somebody is trying to offend you through somebody else. This somebody else is not as strong as yourself. Why do you not deal directly with that person? Deal with that person more effectively, rather than deal with his rebels. If our Government is afraid of the Somalia Government, then let them tell us, so that we know. This looks to me to be the thing. We know that the *Shifita* are being helped by the Somalia Government. What has the Kenya Government done to the Somalia Government? It shows a sign of cowardice, and I think our Government should not show that sign at all.

We believe, Mr. Speaker, Sir, that the steps to solve this problem are not being taken effectively because some Ministers do not come from these troubled areas. I believe also that if these *Shifita* come and hit Nairobi or Muraंगा where there is a Minister or Kiambu where there are Ministers, this problem will receive more attention, but the Somalis do not have a Minister. The Pokomo people down there do not have a Minister, the Boran also do not have a Minister, so the whole thing will be left in that position. As I said in the first instance, Mr. Speaker, Sir, this Motion is very straightforward: All we want to know is what is the Kenya Government trying to do now? Has it tried, during the last nine months, to open diplomatic relations with Somalia and failed? Is it afraid of the Somalia Government? If it is, as another Member says, then why do we not deal with the Somalis?

The other thing, Mr. Speaker, Sir, is that this Government should find a proper solution, instead of saying we harass the *Shifita*. I happen to have lived with Somalis from the time I was

born up to now, and am still living with them. They can pretend to be as loyal as possible, but they are never loyal.

The Speaker (Mr. Slade): We do not allow general allegations, against any particular race or tribe, of that kind.

Mr. Kase: Mr. Speaker, Sir, I meant to say some of them.

The Speaker (Mr. Slade): That is all right.

Mr. Kase: It must be realized, Mr. Speaker, Sir, that some of the Somalis can pretend here that they are good, but tomorrow they can easily cross the border and come back. We know, Mr. Speaker, Sir, that some Somalis leave Lamu, go to Mogadishu and come back. They go in Arab dhows.

Now, if our Government does not take this problem seriously then how will you find a solution to this one? This man can travel from Lamu to Mogadishu, trade with the Somalis in Mogadishu and then come back to Lamu very safely.

Mr. Speaker, Sir, if we allow this sort of system, we trade with the Somalia Government and yet they beat our people in Kenya and we do not do anything to them, do we really like our citizens in Kenya? We are interested in the trade aspect, but not in their lives. I think this is a most serious thing and that this Government should do something immediately. We want to be told clearly that the Government is defeated, and, for that matter, Mr. Speaker, Sir, if they cannot deal with the Somalia Government, I think that the only solution is not to persist but to give that land away, because we cannot afford to lose our lives while our Government sits down and looks at our lives being destroyed.

With these few words, Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, I stand to oppose the Motion and to ask the Government to oppose it as well.

I am behind the Government in opposing the Motion, Mr. Speaker, Sir, because the Kenya Government has stated from time to time, and by the President himself, during the time he was still Prime Minister, and even up to now, that the door is open for any negotiations that may take place for the peaceful settlement of this North-Eastern Region.

In opposing the Motion, I do not mean to ask the Government to do nothing about it, but I do

[Mr. Ngala-Abok]
I do not think it would be a good idea for our Government to try to cheapen itself by approaching a man to try to convince the opponent that he should not misbehave. We know now that we have the right people; the right people are the Members from that area. They have to talk to their people; they are elected, their people have confidence in them and I think the Kenya Government now feels too comfortable because it has the Members from that area. If the Somalia Government is a Government with brains—and I believe it is Government with no brains; there are no brainy people—it can learn that the *Shifita* activities do nothing to the Kenya Government. I would like to give credit to our President who was lenient with the situation and who took most humane steps to try and convince our people to join us in this Parliament and to convince the people engaging in *Shifita* activities that the action they were taking was abortive and the Kenya Government was not going to settle down until the situation was brought to normality. In fact, this has been a big success.

The Motion, as it reads, does not really say anything new at all, because it is asking the Government as soon as possible to approach the Somalia Government, to seek an amicable solution of the North-Eastern Region dispute. Will the Minister for Defence of this country write a letter to the Minister for Defence of Somalia saying, "My Parliament has asked me to approach you, let us sit and amicably solve the problem"? This situation can never be accepted by this House. I am sure my colleagues will agree with me that the Somalia Government has learned a sufficient lesson, that the Kenya Government stands on its feet and we remain the Government of this country, but at the same time we know that the Somalia Government will one day learn the benefits of unity and I am sure they will join us in the East African Federation, or any other federation. The Somalia Government is a member of the Organization for African Unity and the Kenya Government is also a member, and I am sure we are waiting for a solution, but we must not fight as women, we must fight as men. We must refrain from striking each other and, in this case, we must now settle down. We must sit and talk together.

So, Mr. Speaker, Sir, the Kenya Government should reject this Motion and ask the Somalia Government to behave.

What I would like to ask the Minister for Internal Security and Defence to consider very seriously is to be as ruthless as possible with any person that may be found to be promoting the activities that have caused a lot of loss lives.

This is the only position we can take and we can always be prepared to answer back should we be attacked. We would like the Minister, of course, in presenting his case, to explain what he has done to the people who go to trade in Mogadishu and come back safely to this country. We can only ask the Government to strengthen its forces, to strengthen its activities and to deal less severely with any person who may be encouraging the *Shifita* activities. We would also like to ask the Members for that area to step up their propaganda machinery for convincing their own people who are encouraging these criminal acts to stop doing it. We know through the Members from that area that will succeed more than anything else.

Personally, I do not believe in fighting. If a man loses his life, probably you will make a mistake. It is better to get the right person to go through and to convince the opponent that he should not misbehave. We know now that we have the right people; the right people are the Members from that area. They have to talk to their people; they are elected, their people have confidence in them and I think the Kenya Government now feels too comfortable because it has the Members from that area. If the Somalia Government is a Government with brains—and I believe it is Government with no brains; there are no brainy people—it can learn that the *Shifita* activities do nothing to the Kenya Government. I would like to give credit to our President who was lenient with the situation and who took most humane steps to try and convince our people to join us in this Parliament and to convince the people engaging in *Shifita* activities that the action they were taking was abortive and the Kenya Government was not going to settle down until the situation was brought to normality. In fact, this has been a big success.

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So, Mr. Speaker, Sir, the Kenya Government should reject this Motion and ask the Somalia Government to behave.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, this Motion, much as I respect the feelings of the hon. Member, I think, is extremely untimely because, as the

[The Speaker]

the Minister shall answer. It is, however, rather peculiar for him to say that he is answering on behalf of another Minister who is here.

Mr. Achleng-Oneko: Mr. Speaker, it is one of those joint responsibilities that we have. The answer is none, Sir.

Mr. Shikuku: Arising from the reply by the Minister, does he not agree with me that the names of the staff are of people more or less of the same family, looking at the names being as they are?

Mr. Achleng-Oneko: Mr. Speaker, Sir, it is very difficult to judge these things, because we know that there are certain people who have the same name but who do not come from the same family or the same clan.

Question No. 973

DISCOURAGEMENT OF LAND CONSOLIDATION
BY COURT ELDERS

Mr. Odera-Sar asked the Minister for Lands and Settlement whether the Government was aware that the work of the Land Consolidation Committee in Ugenya was being discouraged by the African Court Elders in Ukwala.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, the Government is aware that there has been some misunderstanding between the African Courts and the Land Adjudication Committees over the question of hearing land cases in an adjudication area in accordance with the Land Adjudication Act. I presume that this is the difficulty to which the hon. Member is referring. The African Courts Officer has been consulted on this problem and the Provincial Commissioner, Nyanza, informed also. A directive is being sent out which will clarify the position so that all sides are fully aware of their position and responsibilities in Land Consolidation Work.

The Ministry has also written to the Attorney-General asking him to request the African Courts to co-operate in this exercise in order to speed up the work of land consolidation in the district, including Ukwala.

Question No. 1009

ESTABLISHMENT OF HARAMBEE FARMS

Mr. Bata, on behalf of Mr. Nyalick, asked the Minister for Labour and Social Services what steps the Ministry was taking to establish Harambee farms in various provinces for the National Youth Service.

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to reply. The following steps are being taken. Firstly, a Harambee farm in the Nyandarua District of the Central Province has been taken over and is in operation by the National Youth Service. Negotiations are in hand for the acquisition of farms in the Western and Eastern Provinces, and it is expected that these will be concluded in the near future.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, when does he anticipate buying up these farms in Nyanza Province for the National Harambee Youth Service?

Mr. Odera-Jowi: Mr. Speaker, Sir, I cannot give any date.

Mr. Nyala-Abeok: Mr. Speaker, will the Assistant Minister confirm that it was announced by the President himself that there was a farm already negotiated and taken over at Sotik in Nyanza Province, the Sotik area?

Mr. Odera-Jowi: Mr. Speaker, Sir, I cannot confirm that.

Question No. 1011

EXPULSION OF KISII STUDENTS FROM KABIANGA

Mr. Makene asked the Minister for Education if he would tell the House why the training of three Kisii students at Kabanga Teacher Training College had been discontinued after only one year's stay there.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. Three Kisii students were asked to leave their courses at Kericho teachers' College at the end of their first year in December 1964. Two of them are men and one a woman. They all did so badly in the terminal examination, failing seven, ten and eight subjects, respectively, out of eleven, that there would have been no prospect at all of them passing their final examination at the end of 1965. In addition, the woman student was expectant.

MOTION

SOMALIA AND NORTH-EASTERN REGION
DISPUTE

THAT in view of Somalia's disrespect for the resolution adopted in O.A.U. Conference at Cairo on frontiers existing on independence, and in view of the continuity of the state of affairs in the North-Eastern Region of Kenya, this House urges the Kenya Government to seek, as soon as possible with the Somalia Government, an amicable settlement of the North-Eastern Region dispute.

19. Motion—

(Resumption of consideration of Motion
interrupted on 5th November 1964)

(The Speaker: Mr. Rurumban on 5th November 1964)

The Speaker (Mr. Slade): I would like to remind hon. Members that this debate is limited to an hour and a half, and it has already run thirteen minutes. Mr. Rurumban moving. He himself has seven minutes left.

Mr. Rurumban: Mr. Speaker, Sir, before I speak on this Motion, I would like to inform you of a little change which has occurred with regard to the Seconder of this Motion. Instead of Mr. Tigiti, Mr. Kase will now second this Motion.

Mr. Speaker, Sir, four months have elapsed since I moved this Motion and I am sure that this House may have forgotten some of the points which I raised on that day, or what motivated me to bring up this Motion. Sir, without wasting time I would like to reiterate on one point which I made when I moved this Motion. Sir, at that time I told the Government, or rather warned the Government, about the spreading activities of the *Shifia* in the country. Since then, much damage has been caused by the *Shifia*. Mr. Speaker, Sir, the northern districts, like Samburu, Meru and Golele, regularly suffered at the hands of these *Shifia*, both in terms of livestock and human beings, not to mention loss of money and land. Mr. Speaker, if the North-Eastern Region affair is going to continue, as I believe it is going to be a long-term affair, and so long as the Somalia Government backs up the North-Eastern Region Somalia, and so long as the Kenya Government puts off the solution of this affair, Mr. Speaker, the North-Eastern Region Somalis will not give up the struggle that they are now carrying out. Sir, I would like the Kenya Government to exert whatever influence it possesses with the Somali Government in order to get a settlement of the North-Eastern Region problem and also to make the Somali Government appreciate that the present problems we have in the country are the direct result of the imperialists which they manipulated in order to divide us nationally. Obviously, Mr. Speaker, during the colonial regime the Somalis in the North-Eastern Region did not struggle against the imperialist rule.

Sir, if the Kenya Government is fully committed to the principles of the Organization for African Unity, it should consider seriously convening meetings with the Somali Government in order to find a solution as it does now with the Congo problem. I think the Kenya Government should do more about trying to find a solution to the North-Eastern problem, which is more of

a domestic problem, than it should do with the Congo. It is my feeling that the Kenya Government should rush the solution to the problems which are causing unrest in the North-Eastern Region. If not it will continue for a long time, perhaps for years, as is the case with the Somali-Ethiopian border dispute. Sir, the Kenya Government and the Somali Government should not betray their freedom. They should try to overcome the destructive forces which were set against them by the imperialists when they left this country and Government should try to forge ahead to achieve African unity.

Lastly, for the good of the Organization for African Unity and for the sake of humanity, I appeal to our President and the President of Somalia to convene, immediately, a meeting in order to solve the problems because, Mr. Speaker, since the start of this trouble we have lost very many human beings, we have lost much property and loyal citizens of this country. Now, is the Government prepared to—

The Speaker (Mr. Slade): It is the end of your time, I am afraid, Mr. Rurumban. Just finish off your sentence.

Mr. Rurumban: Lastly, Mr. Speaker, for the unity and tranquillity of the Kenya nation, I would appeal to our Government to convene, as soon as possible, a meeting in order to solve the Northern Frontier District problem. With these remarks, Mr. Speaker, I beg to move.

Mr. Kase: Mr. Speaker, Sir, this Motion is very straightforward, and I do not think there is need for any argument. It was made quite clear in the first instance that diplomatic relations with Somalia had broken down. We would like to know, because we in this House understand it was back in 1963 when the Kenya Government tried negotiations with Somalia, but I think within the last seven or eight months we have had no news of any attempt by our Government to carry out the negotiations with the Somalia Government. We would like to know whether the Government feels that it is unable to find any solution or whether it cannot make any more negotiations.

I must say this, Mr. Speaker, Sir, that some of us have suffered greatly from this problem, and I would not say that our security forces are not doing good; they are doing very well, in my opinion, but as long as this continues, then our people will continue to suffer. We would like this Government to find out whether the Somali Government is now ready to open diplomatic relations, so that we can find a simple solution. They already know that we cannot allow the

Mr. Godia: Mr. Speaker, Sir, is the Minister not aware that the examinations which pupils do once a year for promotion to the next class are quite rigid, and that some of the pupils who would go through due to the good work in class generally do not succeed?

Mr. Konchellah: Mr. Speaker, Sir, during the colonial times there was what was known as an entrance examination so as to enable the junior grade pupils to be moved up to the upper primary, but at the moment there are no such examinations. As soon as the teacher is satisfied that the child has completed a class, then he is promoted, so there have been some monthly and terminal examinations, but at the moment we have a system of pushing children to upper classes.

Mr. Mallinda: Mr. Speaker, Sir, does the Assistant Minister not consider it more equitable for pupils who are in intermediate schools to be accorded the same procedure when going to secondary schools? Instead of K.A.P.E. the pass marks that a pupil has gained during the term time should be taken into consideration when promoting the pupil to secondary school.

Mr. Konchellah: Mr. Speaker, Sir, according to the K.A.P.E. when promoting students to secondary schools, this has been the policy of the Kenya Government, and there was a law made that K.A.P.E. must be taken as a national examination. So if the Members in this House feel that K.A.P.E. examinations need not exist, then they can debate it.

Question No. 928

ADMISSION INTO FORM I WITHOUT K.P.E.

Mr. Bala: On a point of order, Mr. Speaker, I would like to seek your guidance. According to the original question I asked, there is some confusion in the correction made by the Clerk to the Assembly. In fact, what I wanted to know was whether early this year at least one pupil was accepted into a secondary school without having sat for K.P.E. examination. That is the information which I would like to know, whether I can be allowed to correct that.

The Speaker (Mr. Slade): "Whether" instead of "why"?

Mr. Bala: Yes, Sir, "Whether" instead of "why". Whether a pupil was accepted into a secondary school without having sat for K.P.E. examination.

The Speaker (Mr. Slade): That is what the question says, I think, but it should be "whether" instead of "why".

Mr. Bala asked the Minister for Education why at least one pupil who never set for the Kenya Preliminary Examination last year had been admitted into a secondary school Form I early this year.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. A secondary school place was at one stage offered to a pupil who had not taken the preliminary examination on account of illness, but whose name appeared on the entry lists and who had been credited with the results of the candidate whose name preceded his on the list. This was one of the errors, of which hon. Members are already aware, in the tabulation of results by the computer. This mistake was discovered and corrected before either pupil was actually admitted to the school, and the place was allocated to the pupil who had taken and passed the examination.

Mr. Bala: Mr. Speaker, arising from the Assistant Minister's reply, would he inform the House how many such students who never sat for examinations were admitted into secondary schools in Central Nyanza?

Mr. Mutiso: Mr. Speaker, I cannot say how many because the Ministry is not aware of such pupils.

Question No. 994

IMPROVEMENTS TO CHESOI-TOT ROAD

Mr. arap Too asked the Minister for Works, Communications and Power if he would tell the House whether he had any plans for providing grants to Sirikwa County Council for improving dangerous portions of Chesoi-Tot Road along the Marakwet Escarpment.

Mr. Ngala-Ahoki: On a point of order, Mr. Speaker, this question seems to bear some weight, the question of some pupils having been admitted to the secondary school, and the Assistant Minister says that they have no evidence. I have more evidence to put to the Assistant Minister.

The Speaker (Mr. Slade): You cannot put forward evidence in the form of a question, can you?

We must move on, I have explained why, is there anyone who will reply on behalf of the Ministry, of Works, Communications and Power?

Mr. arap Too: On a point of order, Mr. Speaker, I can see the Assistant Minister for Works, Communications and Power sitting there. He is there. Can he not answer my question?

The Speaker (Mr. Slade): Mr. Bomett, are you ready to answer Question 994? It is addressed to your Ministry.

You say that it has not come to your Ministry?

The Assistant Minister for Works, Communications and Power (Mr. G. Godana): Mr. Speaker, Sir, may I reply to this question?

The Government is making no provision at present for the improvement of the Chesoi-Tot Road along the Marakwet Escarpment.

This road was not included in the priorities for road works submitted a short time ago by the Rift Valley Provincial Advisory Board and therefore cannot be considered by the Government in the selection of priorities.

Mr. arap Too: Would the Assistant Minister consider revising the list which was omitted by the former Regional Assembly?

Mr. G. Godana: Mr. Speaker, if the Member requires lists of application, I think he can get it from the Provincial Advisory Council.

Mr. Choge: Mr. Speaker, Sir, in view of the fact that the roads in Marakwet District were not considered during the colonial time, would the Assistant Minister consider asking the Provincial Advisory Council to recommend some of the roads in these districts so they can make them up.

Mr. G. Godana: No, Sir, it is not for a Member to ask the Provincial Advisory Council to make a priority for a particular road.

Question No. 1034

TRANSFER OF KENYA'S AMBASSADOR FROM CHINA TO INDIA

Mr. Okwanyo asked the Minister for External Affairs if he would consider withdrawing our Ambassador from China, and sending him to India, since we had more business with India than China.

The Vice-President (Mr. Odiga): Mr. Speaker, Sir, on behalf of the Minister for External Affairs, I beg to reply. Kenya has good and rapidly expanding relations in the economic field with both India and China. When finances permit, we shall be ready to open a diplomatic mission in India. Therefore, there is no need to withdraw our existing representation in the People's Republic of China.

Mr. Ndile: Mr. Speaker, Sir, could the Minister tell the House why China is given preference over India ambassadors?

The Assistant Minister, President's Office (Mr. Nyamwaya): On a point of order, Mr. Speaker, is the hon. Member in order to refer to the Vice-President as the Minister?

The Speaker (Mr. Slade): It is better for the Member to refer to him as the Vice-President, but he is a Minister, too, I think.

Mr. Ndile: Would the Vice-President tell the House why China was given preference when the allocation for ambassadors was given?

Mr. Odiga: Mr. Speaker, Sir, I think it is not the question of not giving preference to India because Kenya could only afford to give diplomatic representations to about six countries, and that is why preference was given to China, and instead of India. Any other person could also ask about any other country where we have no diplomatic representation and the same argument will apply to that. Therefore, I could not actually explain, but I think the Government, in consideration, thought it best in the way that it was arranged.

The Speaker (Mr. Slade): We will now come back to Question 968. Is there someone here authorized to answer on behalf of the Minister?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Yes, Sir, I am.

Question No. 968

RELATED OFFICERS IN THE POLICE FORCE

Mr. Mbogoh asked the Minister for Internal Security and Defence if he would tell the House what relationship existed between the following officers—

- M. S. Khan—A.S.P., Prosecution Branch;
- M. A. Khan—Chief Inspector, Prosecution Branch; and
- M. A. Khan—In Charge Traffic Prosecution Branch.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): On behalf of the Minister for Internal Security and Defence, I beg to reply.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to sit here and then a different Minister gets up and answers his question?

The Speaker (Mr. Slade): Yes, I have ruled on previous occasions that when questions are directed to a particular Ministry, it is open for Government to decide in its wisdom that some

Friday, 26th March 1965

The House met at nine o'clock.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

MORE QUESTIONS TO BE ON ORDER PAPER

The Speaker (Mr. Slade): Before calling for the first question, I have to inform hon. Members that the flow of questions is now so great that we have to put considerably more on the Order Paper every day. It is impossible for us to accumulate many questions, nor do Standing Orders allow us to do so. Questions are greatly valued by Ministers as much as by other hon. Members, although some have a greater value than others. Nevertheless, we cannot allow them to take up more than an hour of each day or more than half an hour on our short Friday sittings; which means that, as long as the present flow of questions continues, we shall simply have to move through questions more rapidly, and there may be some even where there is no time for supplementary questions at all. I would ask the hon. Members to understand that position.

ORAL ANSWERS TO QUESTIONS

Question No. 970

AID TO OLDER STUDENTS

Mr. Muruli asked the Minister for Education:

(a) What had been done to give adequate financial help to mature Kenya students with families who were taking up their studies in East African Universities and at the Kenya School of Law.

(b) How many students required such help and how much money it would cost the Government.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply.

(a) The Kenya students who have gained admission to the University of East Africa through the "Mature Age Scheme" are being paid dependant allowances to the extent of 60 per cent of their salaries prior to entering the University. There are no students at the Kenya School of Law under this scheme.

(b) Twenty-two students have been admitted to the University of East Africa under this scheme. The allowances will cost the country £10,150 during the current financial year.

Mr. Muruli: Mr. Speaker, Sir, is the Minister aware that there are students at the Kenya School of Law who are mature and who have families and are in need of this help?

Mr. Mutiso: Mr. Speaker, Sir, as I have said before, we are not aware of such students in the School of Law.

Question No. 932

EMBU DISTRICT CLOSE TO BANKRUPTCY

Mr. Mbogoh asked the Minister for Local Government whether the Minister had taken any steps to stop the small district of Embu from running into bankruptcy due to disorganization in its services.

The Assistant Minister for Local Government (Mr. Njiriri): Mr. Speaker, Sir, I beg to reply. It is true that at the beginning of 1964, the Embu County Council had a working balance of £34,500, but that the year 1964 produced a deficit of £25,500, which left them a balance at the beginning of January 1965 amounting to £9,000.

I would like to inform the hon. Members that the Embu County Council is not yet bankrupt. Nevertheless, if things continue as they have been doing, there is no doubt that a state of bankruptcy will soon be reached. The Government is taking steps to find out how they can correct the Graduated Personal Tax and is trying to do everything it can, because the former Regional Assemblies appear not to have done very much.

Mr. Mbogoh: Mr. Speaker, Sir, can the Assistant Minister tell this House what was the Graduated Personal Tax collection for Embu during 1964?

Mr. Njiriri: On a point of order, Mr. Speaker, Sir, I see that the Assistant Minister is replying to a question, but I cannot understand the question. The question asks whether the Minister has taken any steps to stop this small district from going bankrupt due to the disorganization of service. It is not understandable which district it is.

The Speaker (Mr. Slade): I think that the Assistant Minister understood quite clearly, and did in fact answer with reference to Embu County Council.

Mr. Mbogoh: Mr. Speaker, Sir, I asked the Minister whether he can tell this House the Graduated Personal Tax collection of Embu District in 1964?

Mr. Njiriri: Mr. Speaker, Sir, I do not have the figure but you can get it in my office.

Question No. 953

OVERSEAS BURSARIES FOR SAMBURU BOYS

Mr. Rurumban asked the Minister for Education why not a single Samburu boy had ever been considered or given a bursary to study overseas.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The Central Selection Board only considers and awards bursaries to persons who apply for such bursaries when they are advertised. If no Samburu boy and I may add—girl, has been considered for, or awarded, a bursary, it is because none has applied for any bursary. It is, however, necessary to point out that my Ministry works for all the people of Kenya, and not just for a particular tribe or unit.

Mr. Rurumban: Mr. Speaker, Sir, arising from the Assistant Minister's reply, if the Government were truly a national one, as it professes to be, would it not have been fair, had the Government distributed the scholarships to every tribe, particularly those backward tribes like Samburu?

Mr. Mutiso: Mr. Speaker, Sir, as the hon. Member is quite aware, and also Members in this House, the Government cannot distribute scholarships to people who have not applied for those scholarships. The Government does not advertise these scholarships and I think it is the duty of the hon. Members to inform their people in the countryside when such advertisements are in the papers, to ask them to apply.

Question No. 968

RELATED OFFICERS IN THE POLICE FORCE

Mr. Mbogoh asked the Minister for Internal Security and Defence whether he tell the House what relationships existed between the following officers:—

(a) M. S. Khan—A.S.P., Prosecution Branch.

(b) A. M. Khan—Chief Inspector Prosecution Branch, and

(c) M. A. Khan—In Charge Traffic Prosecution Branch.

The Speaker (Mr. Slade): Is there no one here to answer for the Minister? We will move on to the next question and come to that one.

Question No. 973

DISCOURAGEMENT OF LAND CONSOLIDATION BY COURT ELDERS

Mr. Odera-Sar asked the Minister for Lands and Settlement whether the Government was aware that the work of the Land Consolidation

Committee in Ugenya was being discouraged by the African Court Elders at Ukulwa.

The Speaker (Mr. Slade): Is there anyone here to speak for the Ministry of Lands and Settlement? Next question.

Question No. 974

CHIEFS AND ASSISTANT CHIEFS FOR LOCATIONS

Mr. Odera-Sar asked the President what the qualifications were for a location to have:

- a chief without an assistant chief; and
- a chief with an assistant chief.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I beg to reply. Many factors are taken into consideration before it is decided whether a location should have only a chief with an assistant chief or a chief with an assistant chief, e.g. population density, area and terrain of the country, and special problems pertaining to that location and its development.

Only when the need arises is an assistant chief appointed to assist in a location, else the post is abolished, even where one may have existed previously.

Mr. Odera-Sar: Mr. Speaker, would the Assistant Minister consider North Ugenya Location as a location which needs an assistant chief because the population is over 53,000?

(Mr. Nyamwaya: Mr. Speaker, Sir, each case is treated purely on its own merit, and if a strong case is put forward for the creation of an assistant chief's post in any location, including North Ugenya, this can always be considered.

Question No. 977

REGULAR CLASS TESTS FOR ALL SCHOOLS

Mr. Godla asked the Minister for Education if he was prepared to introduce regular class tests in schools as a substitute for rigid annual examinations.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. First of all, I must confess that I do not understand this question. There are no rigid examinations in Kenya's educational system.

As far as I know, teachers test their pupils as and when they feel it is necessary to do so, in order to find out whether the pupils are following what is being taught. The Ministry has no laid down rules and does not intend to lay any down in this connection, because it is believed that the class teachers are competent to determine when and how their pupils should be tested.

[Mr. Shikuku]

I feel, Mr. Speaker, that in order to give an opportunity to other Members to speak, I will end by saying that the only reason why I have spoken on this Motion is that I feel that the Government must pay for its own mistakes by getting double streams, treble streams in all areas. And I emphasize that if they want the confidence of the people, they must not forget that they have promised people free education, and yet when there are students who can afford to pay their own fees, there is not even a school for their children, just because the Government has been mistaken. If the Government wants to come back into power again, it must do something.

With these remarks, I beg to support.

The Speaker (Mr. Slade): Mr. Mutiso, you might find yourself cut out if you do not speak now.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I have listened to the case put forward by the hon. Members, and just as much as I personally sympathize with the situation, I would like to draw the attention of the Members to the fact that some of the allegations which have been levelled against the Ministry and the civil servants, whom we hold dear on account of the great work they are doing for this country, are very unnecessary.

I would like, Sir, to clarify one point which has already been found out as a confusion, from which even the Members who have spoken here have suffered in that they have disagreed completely on this particular issue. That is that the hon. Mr. Gichoya, when he was speaking, did indicate that, by the time the results were known, only four schools in the Kirinyaga District had no K.P.E. results; and his colleague, the hon. Mr. Kibuga, also said that there were sixteen schools. But, Mr. Speaker—

Mr. Kilunga: On a point of order, Mr. Speaker, is the Assistant Minister in order to misinterpret me when I actually said there were two occasions on which the results came out: sixteen schools were missing the first time and then when the marks were returned to Nairobi and then came back, four were missing. I mentioned this the last time: why does the Assistant Minister not admit it?

The Speaker (Mr. Slade): Hon. Members must be careful when they are quoting from other Members' speeches. They must quote extracts correctly, otherwise we get points of order like this.

The Assistant Minister for Education (Mr. Mutiso): I am sorry, Sir, maybe I did not catch very well what he said, but what I was saying is that although that might be the case all I want to say is this, that when I was answering this question from the hon. Mr. Kibuga I did state very clearly that as soon as this problem was discovered in the Ministry we, in fact, initiated emergency reports from all the provincial areas where this question of lateness of K.P.E. results occurred and, as a result, Mr. Speaker, and as I speak here in this House this evening most of the pupils whose results were received very late have already been found places. We have also, Mr. Speaker, instructed our provincial officers in the field to increase the Form I classes throughout the country by two additional pupils in every class. That, Sir, is going to give us 600 more pupils throughout the country.

This is a problem which even the hon. Members here are quite aware of and it is a problem whereby there has been a very big increase, despite this question of the results coming late, there has been a very big increase of pupils of K.P.E. standard who, even if they had 100 per cent passes throughout the country, could not all find places. This is a situation which in the Ministry have inherited from the Colonial Government.

Mr. Speaker, if hon. Members would be very calm, I could explain the position.

We have already, under the Six-Year Development Plan, laid down some proposals which will increase schools wherever possible. But it cannot be said that when this mistake was discovered the Government just sat idle and did nothing. This is not the case. I stated earlier that we have done our very best to alleviate the situation and I cannot accept the allegation from the hon. Members that there were some wrong intentions or bad motives, whereby the Government intended to keep some areas backward. I cannot understand this kind of mentality from the hon. Members, because it is not true and the hon. Member who said this did not even substantiate whether this sort of allegation is true and who is responsible for this. This is a Government of which the hon. Member himself is a part and I cannot understand why he thinks that the Ministry, as such, had some bad motives regarding his own particular area. If such was the case, then I cannot understand why the Member from Butere, the hon. Member, for another area in Nyanza, should come and complain of similar mistakes that did happen. This is a very clear indication, Sir, that this is a mistake which happened, which took place, and it was not done

[The Assistant Minister for Education] by the Ministry, it happened by sheer bad luck or by mistake: mistakes will happen. Mr. Speaker, we cannot be held responsible for this particular occurrence.

Another thing, Mr. Speaker, to which I would like to draw the attention of the Members is that while the hon. Mr. Kibuga was speaking he did indicate that there was also this question of girls' papers being torn or girls being refused admission. While I was answering this particular question the other day, Mr. Speaker, I stated very clearly that I would request the hon. Member, if he had got a definite case of proof to show that the papers of these particular girls were destroyed by the officers of our Ministry, we should bring this case to the Ministry and we would be very pleased to handle this matter. So far, Mr. Speaker, he has not done so. We cannot accept such general allegations which have no foundation at all; and I would like any Member who has any specific issue dealing with education to bring it forward to the Ministry and we shall be prepared to investigate and do whatever is necessary.

As regards the other case which the hon. Mr. Shikuku mentioned, where he indicated that there were some pupils who were admitted to the Kenyatta College with very low marks, I would gladly disagree with him and would ask him, if he has got clear evidence of this allegation, he should bring it to our Ministry and we shall investigate the issue fully and find out where the mistake is.

However, Mr. Speaker, I would also like to draw the attention of the Members to one particular point and this is that the question of admitting pupils all over the country differs from area to area. For instance, I remember in this House I did state that in Turkana alone we could not compare the standard of education of the pupils from Turkana who have done their K.P.E. exams with the standard, for instance, of students or pupils from Central Province or from Nyanza Province. I say this because the question of admitting pupils does differ from place to place.

As regards the question of generalizing this issue, that some pupils were admitted with low marks when others had more marks, I cannot agree with this—

Mr. Aremam: On a point of order, Mr. Speaker, is it in order for the Assistant Minister to mention Turkana District, for example, whereas Kirinyaga was the district about which allegations were made?

The Speaker (Mr. Slade): Oh, yes, it is relevant to what he has to say.

The Assistant Minister for Education (Mr. Mutiso): So, Mr. Speaker, I think I have not got much to say on this particular point, but I think what I would tell hon. Members is that, when this issue was brought by the hon. Mr. Kibuga, there was a case and, between that time and now, we have done much to alleviate the position, and I am quite sure that even the hon. Members who are speaking in this House could not even produce a specific figure of the pupils who have passed well and who have—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Assistant Minister in order in alleging in this House that we have not been able to produce figures, when I actually produced figures and I still have them now?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, what I meant is that if the hon. Member had a specific figure of pupils who passed well, they should bring this matter to our office and we would really find out, in fact, investigate the matter, and if we found that it was true that they had passed well and then they failed to secure places since we had put an officer in the field to try and find places for these pupils, then this case could have been investigated and surely something would have been done quickly and to the point.

That is all I want to say on this, Sir.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business and therefore the House is adjourned until tomorrow, Friday, 26th March, at 9 a.m.

The House rose at Seven o'clock.

Mr. Ghehoyi: Mr. Speaker, Sir, I agree with you that the conditions are being looked into now. Those students did not benefit from the efforts of their own parents, did not benefit from their own efforts of study for their examinations. One can infer that either there was something cooking somewhere or things just took the turn they did. If things just took the turn, the Minister could have done something to allow these students to get chances elsewhere, or even allow seats in our own secondary, *Harambee* secondary schools. If he had done so, I would feel that he had an interest in it.

Mr. Speaker, Sir, another thing is this. We have national secondary schools which are to be filled by students who have passed their K.A.P.E. in the best grades. Here you find they are filled before the results are out. They do not get a chance to go to these national schools. The national schools are run with the money which is contributed by the Kirinyaga people. Kirinyaga contributes more comparatively than other districts. They have a rice scheme which contributes a lot of money for the national welfare and the Minister for Finance would—if he were here—accept this statement as put before him by the Ministry of Agriculture through the manager of the scheme, that the scheme gives the Government a lot of money as compared to other undertakings in the country. In other words, my district is being used to finance other projects at the expense of my people.

A national secondary school has all the facilities. It has a better laboratory, a better library, better features than ordinary schools, yet our people have been denied the chances to get into those national schools, because the results came out too late. These national schools had been filled already. Yet when these schools were being earmarked as national schools, there was no criteria of saying that such and such a school should be a national school so that it can serve the Kirinyaga, the people of Embu, the people of Meru, and so on. Deliberately national schools were earmarked again on the basis of the Ministers to win the confidence, to determine which should be national schools and which should not. We were never consulted whether this should be a national school, or that should be made into a national school. Everyone would like to have a national school in his own district. If there are national schools in every district, it would mean that the standard of education would not be uniform. If it is low in the national schools, then we accept that the whole country is having a very low standard of education. Now certain places have the privilege of having national secondary schools. A place like Kirinyaga with its

own *Harambee* secondary schools does not have a chance for the children to go to national secondary schools.

Mr. Speaker, Sir, I feel that there was a deliberate intention by the officers of the Government, or by the Ministry of Education, for that matter, to keep us behind and I regret it very strongly. The Ministry of Education has done nothing so far to give us a concrete answer as to why this took place and what steps should be taken to put those students, who are now sufferers, as human beings in the society which are now eager to learn, which is eager to develop. We are now doomed to remain where we are in spite of the fact that we have already established our own institutions through our own sweat.

Mr. Speaker, Sir, in order to allow other people to speak, I will request that the Minister for Education institutes a committee of inquiry to find out what defeated those students and what can be done for those students. Kirinyaga should be allowed to have double-stream or triple-stream, and also all the areas which had this unfortunate situation. They should all be allowed to have additional accommodation for those students so that they are not neglected in the move for betterment in terms of intelligence.

With these few words, Mr. Speaker, Sir, I beg to move.

Mr. Kibuga: Mr. Speaker, the main thing about this unfortunate incident is that when the K.A.P.E. results came out, there were sixteen schools in my district without full results. Had it not been for the fact that our people suspected, by seeing that the best schools had so many failures, seeing that something was wrong, I would not have started to find out why there were so many failures. On returning the papers to Nairobi here, it was found that some of the marks were missing, in mathematics and English especially. Another thing to consider is the very fact that English had 300 marks, mathematics 300 marks, general knowledge, I think, was about 100. To know about the mathematics marks and the English marks, it meant a lot to the pupils. When the results came out, the national schools had already selected the pupils to go to their schools. So, the fate of the pupils in the sixteen schools was that they had lost their places in the national schools.

When some of the results came out, there were still the results from four schools missing. The most unfortunate thing was that when the Ministry of Education saw that there were mistakes, the Ministry did not take any trouble whatsoever to explain to the students and the parents what was happening. They were left just

[Mr. Kibuga] He that to wonder out what was happening. I had a very difficult time with another Elected Member because some people became suspicious. They said, "because papers were marked by people from Thika, which are schools outside the area," they had teachers in those schools who were from Kirinyaga.

They started to suspect the fact that there was a Minister or Assistant Minister in Kirinyaga. So it is very unfortunate that the Ministry of Education should have allowed itself to become so inefficient. When it comes to the question of computing machines, the Assistant Minister said the machine refused to act properly. How could it refuse to act properly when there was somebody in charge of this machine and who was supposed to check that what went out was completely correct? I would call upon the Ministry to go into the details and dismiss this fellow deal with this person properly. I know the Assistant Minister will stand and tell me, "Oh, yes, now we are working very hard. We have discovered the result." It is true that I know that not of the results have been discovered. On the other hand, even though the results have been discovered, where will they go? The schools, the national schools, were filled. The schools in the region, the province, were filled. Where are these boys to go to? I would ask the Ministry to assure us what was actually wrong and what they are going to do with these people.

Within the same province, although there were incidences in the other provinces, I am only talking about Central Province because I know about that. It is unfortunate that this great inefficiency was throughout the country. To show that there was something fishy, when selection took place in Nyeri, the first time they were called was in January. There were papers for girls going to secondary schools. The application forms were sent. Because the results were not all received, the headmistresses were told, "You just go ahead and come back again in February." When they sent the papers were missing. I think this was an idea so that nobody would discover where a pupil comes from, even though they probably come from the same district.

I would not like to take up all the time, but I would like to give the others a chance. I will call upon this inefficient Ministry to tell us what is happening.

Mr. Shikuku: Mr. Speaker, Sir, I wish to point out to the Ministry of Education that we are disappointed at the way things went on. In the Western Region there were over 300 students who

passed their examination with over 500 marks. But they were left out because of the inefficiency of the Ministry of Education and this Ministry is seeking to take us for a ride to cover its own folly and penalize the bright brains of Kenya. Mr. Speaker, Sir, it found out that in Butere alone six schools had no results at all; they came very late and these boys and girls passed so well. If the Minister for Education wants me to produce the names and the marks of the children, I am prepared to do so. I know of those who have got even 700 marks and they have not been admitted. And speaking in the spirit of *Harambee*, Sir, even in the Kenyatta National School here there are children, one student who was admitted with 244 marks only. I have got children in my constituency with over 700 marks and they have not been placed anywhere at all.

I feel, Mr. Speaker, that this is the mistake of the Ministry of Education and yet today the Government is not even prepared to pay for its own mistakes by running double streams in all these areas that were affected.

They tell us there is no money, but if there is no money, has the Ministry no money, no resources, which could be used in cases of emergency? There is an emergency here where brains worth the tuition in secondary schools have been left out and I feel the Government should do all it can to run double streams rather than tell us, as the Assistant Minister told us the other day, in reply to a question in this Parliament, that only two people are going to be added, two pupils to various classes of Form I standard in various areas. I demand, Mr. Speaker, in the name of Butere, and all affected areas in Kenya, that the Government pays for its mistakes by running double streams and triple streams in all areas if it is going to have the confidence of the parents who are the people who voted for this very Government.

Mr. Speaker, we are not going to allow brains that are not bright to go on because this is not consistent with our great ambition which is to promote a society of people with brains; we cannot leave these bright brains out just because a machine went wrong, just because the Post Office delayed—I do not know what happened that day, I am told the Post Office was also late, and something went wrong there and the results did not reach the Western Region in time. I feel, Mr. Speaker, that the question of no money should not arise at all. I have even suggested that these eighteen Ministers should be reduced to ten; the money thereby saved would help to run the double streams, which will enable these students to go to secondary school.

[The Speaker]

which you are entitled to raise when I propose the question, but the actual Motion for adjournment of the debate is completely in order. In any debate, any Member who is speaking in the course of the debate has a right to move the adjournment of the debate. It is the Speaker's discretion whether or not he is prepared to propose the question, but the Member can always claim the right to move it. When I propose the question of the adjournment, then you will have the opportunity of arguing about it.

Mr. Shikuku: Mr. Speaker, I do not see the reason why the hon. friend of mine should be worried. We are only trying to put things right for his son and his daughter, and all the grandchildren after him. The Constitution, as such, is a very important document which caters for all his children—and I understand he is a father-in-law already.

Mr. Speaker: I feel that with these few remarks, I do not have to speak, but I suggest very strongly that this House do now adjourn, or we adjourn the debate on this amendment Bill, until such a time that we have a full explanation from the Attorney-General and we can come back and talk about it.

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

(Question that the debate be now adjourned proposed)

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, Sir, I hear a friend of mine telling me that I am not a proper Masai. I assure him that I am here because the Masai carefully selected their leader who is not chosen either by him or by anybody else.

Mr. Speaker, Sir, I stand to oppose this Motion for adjournment, for the simple reason that this Bill was introduced on 5th February 1965 and Members of the House who are the real representatives of the people have had enough time to read this Bill. Therefore, if this Bill was introduced just the day before yesterday I would have agreed with them if they had said that they had no time, but the Members have had enough time to consider and read through and amend this Bill. Therefore, Mr. Speaker, there is no question that any Member did not have enough time.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Assistant Minister in order to try and insinuate that we are talking in terms of

time when we actually talk in terms of consultation. Is he in order to insinuate that we are complaining of lack of time?

The Speaker (Mr. Slade): That is not insinuation; but if you say that you have been misrepresented in what you have said, then you are entitled to correct that on a point of order.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): I am not saying that Members have no time, but Mr. Speaker, Sir, if these Bills are brought to this House, I believe Members need time to study them so that they could argue them, but I was just putting across, Sir, that there is no reason why a Bill of this nature has not been brought to this House since 5th February 1965, yet no Parliamentary Group has yet met and said that they want the debate this Bill adjourned for consultation. I think, Sir, it is too late. The Attorney-General did ask the Parliamentary Group to—

An hon. Member: When?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): The Attorney-General is here, and he can explain when, but I am quite sure that he did say that—

Mr. Khasakhala: On a point of order, Mr. Speaker, is it in order for the Assistant Minister to tell the House that the Attorney-General had sought to meet the Parliamentary Group several times? Could he tell us that this was done on this particular Bill?

The Speaker (Mr. Slade): Are you asking for substantiation?

Mr. Khasakhala: Yes, Sir.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, Sir, I cannot substantiate that, but I am going to express my views.

The Speaker (Mr. Slade): You must withdraw or substantiate.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, Sir, according to my information, I think that the Attorney-General did seek a meeting with them.

The Speaker (Mr. Slade): It is not enough to say that according to your information you know this, when you are asked to substantiate. You must say what information and from whom.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, Sir, I withdraw.

[The Assistant Minister for Commerce and Industry]

Mr. Speaker, Sir, I believe Mr. Ngala yesterday, when he spoke about the attached clauses of the Constitution, did not say that he wanted this to be removed. Today again, Sir, we have debated the whole thing up to that time, and what we are trying to agree is—

Mr. Oboko: On a point of order, Sir, is the Assistant Minister in order to refer to the Members of this House as people.

The Speaker (Mr. Slade): That was just a slip of the tongue which he has already corrected. He is addressing the Chair as long as he is referring to hon. Members in the third person, even if he looks towards them.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, Sir, I know that I had made a mistake in calling them people, but at the same time I corrected myself. Therefore, there was no point in that point of order.

Mr. Speaker, Sir, I feel we have gone as far as we can in debating this Bill for a sufficient time. I think, Sir, that it is very important that if any Member has anything on his mind which needs clarification, then I think, since it is important, then we should correct all these things. There is no difference in any Member telling the House what he is doing on these Constitutional changes, or to tell the Government what to do when in a Parliamentary Group. It is the same people who will meet tomorrow, and it is the same Attorney-General whom they want to consult, who is here now. I agree with them that if the Attorney-General was not in the Chamber, then it would be the right thing, but as he is here, I see no reason why Members shall not put their views clearly as the hon. Mr. Anyieni did.

Mr. Speaker, Sir, I believe it is high time that the Members should not waste time—

An hon. Member: On a point of information.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): I will not give way.

Mr. Speaker, Sir,—

An hon. Member: Are you standing on one leg?

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, Sir, we feel very strongly that there is no point in any Member here in delaying any further. Hon. Members want to adjourn this Bill for matters of consultation. There is no reason why we

should adjourn it, because the Attorney-General, who we want to consult with, is here. The question of consultation does not arise because he is here.

Mr. Glehoya: On a point of order, Mr. Speaker, is it in order for the hon. Assistant Minister to repeat himself on these few matters?

The Speaker (Mr. Slade): No, he should not repeat himself.

The Assistant Minister for Commerce and Industry (Mr. Oloitiipiti): Mr. Speaker, I think that if Members need consultation they can consult the Attorney-General here.

Therefore, Mr. Speaker, with these few remarks, I beg to oppose the adjournment of debate.

The Speaker (Mr. Slade): Please will you sit down. I cannot have all the hon. Members standing up before a speaker has finished. Only one Member should be on his feet at a time.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, I shall try to be very brief. I think we are being unfair to ourselves if the question of consultation is the cause for adjournment. I have already said here that the time is running out, and tomorrow, being Private Members' day, we shall have a long weekend, and the House will not resume until Tuesday next week. Even if we need consultation, we shall have enough time between now and Tuesday, before the House resumes again, and arrangements could be made for consultation without asking for an adjournment. Therefore, Mr. Speaker, I think that the thirty minutes that have been wasted on discussing the adjournment of debate could have been used in discussing other matters, and seeking explanations. Members, even Government Ministers, would like to explain to the other Members, and to the House, some of the points which they have raised in this House. We are quite anxious to take part, and I would like to appeal to the House not to seek the adjournment, because time is on our side. The weekend is ours, and we will not meet until Tuesday. Therefore, Mr. Speaker, I do not just oppose, but I do appeal to the hon. Members, not to take the Motion seriously because the Attorney-General is here and is prepared to explain any parts of the Bill between now and Tuesday, if he is approached.

Mr. Khasakhala: Mr. Speaker, Sir, I do not want to hurt my hon. colleagues by saying that I reject the Motion to adjourn the debate on this Bill. The reasons why I reject it is that the

The Speaker (Mr. Slade): Yes, I think the hon. Member was in order to claim that, whenever he joins the Government, he should have the status of a Minister, and that he would not be prepared to take the position of Assistant Minister. That is not derogatory to an Assistant Minister.

Mr. Anyieni: If I may now tell my hon. friend that I never intended to say that, it was actually as a result of an interruption from one Member who said that I would never become an Assistant Minister, anyway I think I am too big. However, I do not see in the future that anyone will see sense in making me an Assistant Minister, if they have not already made me one. Now according to the wish of the people.

Mr. Speaker, Sir, I do not see why the hon. Assistant Ministers whose case I am going, or trying to put forward, keep interrupting me. I would like to say that the position, now that Government has agreed that the term Parliamentary Secretary should be changed into the title of Assistant Minister, he should really be an Assistant Minister. In other words he should be a mere person when there is a question in Parliament, and the Minister is not there, then the Permanent Secretary gives him right to come and reply in this House, he is harassed, he cannot contribute anything to the policy-making of the thing he is replying to. I think that this is unfair, Mr. Speaker. I think in this Constitution it should be made clear that an Assistant Minister is really an assistant to the Minister, so much so that the Assistant Minister should have immediate access to the papers pertaining to their Ministry. We do not want them, for example, to know everything which goes on in every Ministry, but particularly, I see that one Minister says that I am ignorant, but this Minister must know that there is one Assistant Minister who is saying that he agrees. He must know that we know some of our Assistant Ministers who have very good brains, and who are very intelligent, and whose policy could be for the interest of the country, but the Assistant Ministers who are frustrated because they do not know what is going on in the policy-making of their Ministry. I think it is very fair that if you give a person a title, that person, Mr. Speaker, Sir, must also be given a say, he is an Elected Member, should be given a say in the formulation policy for his Ministry, so that when this Assistant Minister comes to this House to answer questions, then he will have the background of what he is replying to, not merely to come and read an answer here, and when you ask him more questions then he turns round and says mosquito nets are poisonous.

The Speaker (Mr. Slade): You will have to stick rather more closely to the subject matter of the debate, namely, the amendments proposed by this Bill.

Mr. Anyieni: Mr. Speaker, Sir, I am saying this because the Government have agreed to change their name from Parliamentary Secretary and I am replying to say—

The Speaker (Mr. Slade): It is not being done by this Bill, is it?

Mr. Anyieni: Yes, Mr. Speaker. It is there. I thought I saw it. I think this was done by the Second Amendment Bill.

The Speaker (Mr. Slade): You must stand by the Bill.

Mr. Anyieni: You do not even have the Bill, Mr. Speaker, Sir, I see here that in the Fourth Schedule, unless, Mr. Speaker, Sir, I misunderstood the whole thing, but in the Fourth Schedule, page 43 of the Bill, it says here that the "Governor-General" will be called "President", "Region" for the word "Province", "President" for the word "Chairman", "Regional Assembly" for the word "Provincial Council", "a Parliamentary Secretary" will be called "an Assistant Minister", and so on and so on; this is where I found it. I did not see why they should include it.

The Speaker (Mr. Slade): All right, Mr. Anyieni.

Mr. Anyieni: I do not want to say too much about this one.

I would like to say in finishing that in the change of title there should also be a change in the responsibility of these people, because the title was intended to boost my hon. friend's responsibility and therefore I think they should be given more responsibility so that when they reply to questions in this Parliament they will have the background, because I really sympathized with one person the other day when I asked my Assistant Minister for Education the question, he just did not have a reply. He was probably given it to read.

I think that the Attorney-General should give the Assistant Ministers some additional power so the Assistant Ministers might better be able to assist the Ministers, rather than merely being someone who can just come to this House and read on behalf of the Minister.

Now, Mr. Speaker, with regard to section 5, I see that titles have been changed and section 7, subsection (1) I see that any reference in an existing law to the Inspector-General of Police to a Regional Commissioner or to any other

[Mr. Anyieni] should be read and reviewed as police officers should be read and reviewed as from 12th December 1964, as if it included a reference to the Commissioner of Police, the police officer in charge of a province or police officer of equivalent rank as the case may be. Instead of having the Inspector-General of Police the name has been changed and it is now the Commissioner of Police. According to this, unless I have misunderstood, all the others, for example, the police commissioner in charge of Nyanza Region or Central will not be referred to as police officer in charge of Nyanza. I think this is not very dignified, let me read to you section 7 (h) I see there everyone else is going to have a more dignified title. They are going to become provincial commissioners, district commissioners and so on. In this particular respect I think that the police officers have titles that will give them respect and will clarify their positions rather than just merely saying that he is in charge of such and such a province or district. I think the Attorney-General should look into this matter also.

Another point I would like to bring up at this time, Mr. Speaker, is the fact there is a clause here, which I believe is in section 8, which says "all powers which were given to the Queen will be given to the President". I think this is a dangerous thing. It is all right today, because the President is Kenyatta; but eventually we may have a President who will abuse these powers. Therefore, I think that all the powers which are given to the President should be divided between the President and this House. At present, we can trust our President, the hon. Mzee Jomo Kenyatta, but with regard to the future I must again repeat that this is a very dangerous thing and I therefore think that this clause should be amended so that these powers should be divided equally between the President and the Parliament. I do not think there is any point in substituting the Queen, because I do not believe that all things were handled well at that time. If we allow the clause to remain as it is at present, this would be allowing the future Presidents of this country to do exactly as he likes.

I will try to be as brief as possible, but I would like to bring one other point up and that is this: I see that all the civil servants, I am not quoting, but rather stating, that all the civil servants that were employed during the colonial days will automatically become the civil servants of our independent Government. This is not good, because there are some civil servants who were extremely notorious during that time. They

did everything to destroy the pride and dignity of our people. They did not know that some day our people would run the Government, that is why I say, Mr. Speaker, that these people must not be allowed to become civil servants, I think this is completely absurd. Mr. Speaker, you will remember that the other day, an hon. Member from Butere brought a Motion stating that civil servants should be responsible to this House, because some of the characters who were here during the colonial régime are unable to change their attitudes, they still retain these attitudes. Some of these people have not even heard the word "Kenyatta", they do not even know Kenyatta's intentions. They are now substituting the name of our President for the name of the Crown. Some of these people, Mr. Speaker—I am not saying all of them because I think it would be wrong to say all of them—do mistreat our people and sometimes they do misrepresent the Government, and many of them, Mr. Speaker, do not understand—

The Speaker (Mr. Slade): Mr. Anyieni, could you tell me what part of the Bill you are referring to.

Mr. Anyieni: Section 9, Mr. Speaker, existing offices. It says, "Subject to the provisions of this section, any person who immediately before 12th December 1964 held or was acting in any office established by or in pursuance of the Constitution shall, so far as is consistent with the provisions of the Constitution, be deemed as from 12th December 1964 to have been appointed, elected or otherwise selected to hold or to act in the same or in the equivalent office under the Constitution and to have taken any necessary oath under the Constitution."

The Speaker (Mr. Slade): Mr. Anyieni, we are in the same position now as we were about existing laws. This amendment is a purely mechanical provision, and does not give hon. Members the opportunity to discuss in this debate every single person they think should be removed from office, just as I said, the provision for maintenance of existing laws does not give hon. Members in this debate the opportunity to discuss every existing law. No, no, we cannot have this, I am afraid.

Mr. Anyieni: Mr. Speaker, Sir, I see one of the hon. Members who normally complains about this is saying, "Hear, hear," but then I think it has been good for me.

Mr. Speaker, section 10 (1) says, "Subject to the provisions of section 65 (4) of the Constitution . . ." and section 65 (4) of the Constitution

[Mr. Anyieni] creating a problem because some of these people who have been here for twenty years, some of them, have no interest in our country. They do not mind what happens here. These are the people who create a fifth column in our country. Every time they see a small thing they say, "Oh, the Government is not stable," and each time money flies—Shoo!—out of the country to London, Bombay, Washington and so on.

I hear one hon. Member telling me that some money does fly to Moscow, but, for his information, he must know there are no people here from Russia who are running businesses, who are carrying out any business here or who have invested any capital here so that they have the opportunity of taking money away from the country.

If they want to do that I think there is a problem for the future, and not for the past or the present.

Here I would like to warn particularly our brothers the Asians that there are very many in this country, very many of them have got no *shamba*, very many of them carry on businesses and the majority of the people who are buying things from them are Africans. Now we have said that we do not want to discriminate as the South African Government discriminates against its Africans, as some states in the United States discriminate against Negroes. We would like everybody who wants to come to this country to be free, provided he is not an exploiter. And we would like to have a person who has decided to be a citizen of this country to become a citizen completely as soon as possible. We would like to urge the Government to take very strong measures against those who have refused, because, Mr. Speaker, there are some people, there are some Europeans and some Asians, who have decided to be citizens of this country. But many have not so decided because of the activities of those Europeans and Asians who do not want to be citizens. They are going round saying things which will not create a very good relationship between the races in Kenya. Therefore we would like Government to make it very clear that unless a person who is a citizen is an expert, in a particular profession that person will not be given a chance to be employed in Kenya. The only person who is a non-Kenyan and whom we can accept as eligible to take up employment in Kenya is a person who is an expert, a person whose position cannot be filled by a citizen of Kenya. I think the Government ought to be able to do something about that.

Now before I leave citizenship, Mr. Speaker, I would like to say that while we say that all

citizens of Kenya will have equal status, one thing which must be recognized is that in the past the Europeans and the Asians were given more chances in every respect, in education, in employment, in all facilities of life, in all the good things of life.

If independence should mean anything at all to the African people, a certain period must be allowed, when this sort of imbalance can be put right so much so that— I see, Mr. Speaker, Sir, that one of the hon. Members is telling me that it is time, but I can speak until tomorrow, if I have something to say. I can even speak for two weeks, I asked this on a point of order yesterday, provided I am not repeating myself, and now I think I have time to continue speaking.

What I was saying before the hon. Member referred me to my watch, was that while we accept all people in our country a period must be given when the imbalance can be righted. So that being the case, I think it should be the same in all respects. That being the situation I hope that our Government will continue with the Africanization even through a person is a citizen of our country. I must emphasize again *shamba*, that Africanization must not mean Kikoinization, must not mean Akambanization, must not mean Luoinization, it must mean strictly Africanization, and if there is anyone from a particular district then I think that person could also be wrong. Also it should be true Africanization. If anybody is trying to give all jobs, in the sense of Africanizing to people of one tribe then I think he is going to find it very difficult in the future when there is a change in leadership.

Now, Mr. Speaker, Sir, I would like to come, if Members look at the Bill, to page 23 of the Bill where the President is given chance to make laws, Mr. Speaker, Sir, we now have one party, and I think it would be right for us to pass any law here. In that case I would like to say that this power given to the President was not really necessary. It states here that without prejudice to the powers of the President under subsection 4 of this section:

"The President may by order made and published in the *Kenya Gazette* at any time before 12th December 1965"

He may repeal any laws made by law made by the Regional Assembly before 12th December 1964 to the extent which makes provision with respect to any matter to which under the Constitution, Parliament may make law if it appears to him to be necessary or expedient to do so in consequence of the coming into operation of the Constitution.

[Mr. Anyieni]

Now, also I think that since we, taking powers from the Regional Assemblies, are not taking those powers to give them to one individual, I think that if there are some laws which were made by different Regional Assemblies and which are not good laws then such laws should be brought to this House so that the Members of this House can also amend them. But I see that in clause 4, I read clause 5, in clause 4 the President is given powers even to amend any laws which were made in Kenya before, and I do not think that is right because you see, if we take this President, next time there is a different President, we are going to say that now that we have a new President we can also give him one year to make his own laws instead of Parliament doing so. This could be very dangerous, because if I was President of the Republic, and some of the laws were not very good laws, for my ruling anybody, then I could within one year take a lot of laws and execute, and do everything I liked, and then by the time my year is over it will be too late to do anything better. Therefore I say that I do not see any necessity for the President to be given powers. I think it should be given to the Attorney-General to recommend some of these things and bring them to this House and encourage it we have been given by our people by being voted into this House. Personally I do not see any need for that.

Mr. Speaker, Sir, there is also the adaptation of existing laws. There were some laws which were created in the colonial days and these laws were intended to safeguard the majority of the people of this House, not the majority of the people of this country, it was supposed to guarantee, or to do good to the majority of this House who were unfortunately settlers. I would like to say that the Government here has again failed us because there are some laws, for example, trespass laws, in our customs we do not have this trespass law. Probably the only time when someone can be accused of trespassing is when it is late at night, perhaps midnight, and someone knocks at your door, you do not hear if you are probably not there, he quietly gets inside and you find him sitting there and has been there all the time. That would probably be taken as trespassing, and so on—

The Speaker (Mr. Slade): Mr. Anyieni, I am afraid that this reference to the existing laws does not give hon. Members the opportunity to discuss every single act that we have in our existing laws; otherwise there would be no end to this debate. This is simply a mechanical provision that our

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laws remain unchanged by this new constitution. However, it does not stop you arguing on some other occasion that the existing laws should be changed; but this does not give you that opportunity.

Mr. Anyieni: I was referring to section 7 of the Bill, which says that the existing laws will immediately from this date become the laws of the Kenya Government and Mr. Speaker, Sir, I am saying that while this is all right, there are still some laws which are so colonial which the Government should do something to repeal them. I am not going to deal on that, I was only giving one example, and then I would go on to my next point.

One of the laws, Mr. Speaker, Sir, which I think I should mention is the idea of an African, for example, Mr. Konchellah is a personal friend of mine. I was there against the law, last week, he invited me to address a meeting in his area, this was against the law—

The Speaker (Mr. Slade): No, no, Mr. Anyieni, you are not going to tell us about all the laws—

Mr. Anyieni: All right, Mr. Speaker, I will leave that alone, but I also see here that that is all right—

The Speaker (Mr. Slade): Order! Order! Do not encourage Mr. Anyieni to be irrelevant any further.

Mr. Anyieni: The hon. Member knows very well that I am capable of replying to any remarks he makes so he must be careful that he does not make remarks when I am on the Floor, that will make me say something—I will not deal with that now as it is not important.

Now, Mr. Speaker, Sir, we come to the question of Assistant Ministers. Formerly we used to refer to these gentlemen as Parliamentary Secretaries and more than once I have said that this was not proper. I am saying this, I am not an Assistant Minister, and therefore I think that I am qualified to say something. One hon. Member says that I will never become an Assistant Minister because I am too big to become an Assistant Minister.

Mr. Speaker, Sir, these Assistant Ministers—I am young and I believe one day unless you slaughter me that I will become an Assistant Minister. These gentlemen—

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Is it in order in the conduct in this House that hon. Members should cast aspersions on the intelligent Parliamentary Secretaries or the Assistant Ministers that they are small, according to his own standard?

[Mr. Anyjen] hon. Members to know that if we start treating the elected members of Regional Assemblies as nominated members, the one next time will fall on the Members of the House of Representatives, and it will also fall on the necks of the Senate, and all the elected representatives of the masses will always be regarded as nominated members, who do not have the mandate of the people. Therefore Members of this House should also demand to know what Government intends to do with the Provincial Councils.

I also see here, Mr. Speaker, that the Government has said that these people will no longer have a committee on education and so forth, but that this committee will be called the general purposes committee. This is what is there in the county council set-up. I would like to say, from the little or much I know of these Regional Assemblies, very many of these people, very many chairmen, have been doing very well, even though some of them have tried to delude themselves that they are Ministers and that Members of Parliament are mere Members of Parliament and nothing more but they themselves are regional Ministers. I think it must be understood that with independence there have been very many people who have got into power and they are blessed with those powers and they are drunk with them; and I do not think this is something which is typical only of members of Regional Assemblies. I think it is typical of many other members. I have even seen Members of Parliament going around, boasting that they are Members of Parliament, and then people say to them, "We know you are Members of Parliament, but you cannot go around boasting." And for that particular reason, we cannot support the idea of the amendment just because one or two Members have been going around boasting.

So I think that these ministerial committees in the regions should continue. Yesterday, Mr. Speaker, I made it clear that the Education Committee in Nyanza, for example, did say that Nyanza should be having fifteen secondary schools. Now in the answer to the question yesterday, we were told that Nyanza has only two secondary schools and as for the rest we have been asked to set up *Harambee* schools. And these *Harambee* schools have not been very successful.

I hear the hon. Member who was very recently with me as a Back-bencher and who spoke my language and who has since been made an Assistant Minister now asking, "Where is the money?" The hon. Member should keep

quiet for a few days before coming here and asking me where the money is.

So I say here, Mr. Speaker, that we should allow these gentlemen in the regions to be able to recommend and after they have made recommendations we shall then be able to know, Mr. Speaker, what the position is. If the Nyanza Regional Assembly members have recommended fifteen secondary schools and, let us say, the members of the Coast Regional Assembly have recommended sixteen secondary schools and all the other regions have recommended certain numbers, if, in that context, the Minister, for example, has given only two schools, and the Central Region has been given, sixteen, or whatever was said yesterday—the Minister can tell me—then the Members of this House can go back and ask the members of the Regional Assemblies to give them details and then we can, with their advice, bring back the matter to the Minister for discussion.

I see that one of the Members from the Central Region is interrupting me but he must know that we all represent various areas and as such I am not here to repeat what he says or conform to the unfair distribution of educational facilities all over the country, because that would be misrepresenting the people who elected me to this House.

Now, Mr. Speaker, I would like to say something in connexion with our Parliament. The employees of our Parliament are regarded as civil servants. I think a special clause should be introduced so that the top servants of this House will be employed by Parliament itself so that they would not be subjected to unnecessary harassment by the members of the Civil Service Commission. I think this is important, so that these members of staff would know that if they are completely loyal to this House and to, for example, the Speaker who has been elected by the hon. Members of this House, they will be able to carry on; and the Members of this House will have the right to complain to any employee employed in this House, that, for example, such and such an employee is not a good man and therefore should be removed. But as the position stands today, an employee here can be very bad and Members of this House have no right to say anything; even the Speaker has very little say in the matter. I would like to say that some of these top employees in Parliament should be employed by Parliament itself and not by the Civil Service Commission.

Now, Mr. Speaker, today we have taken up a lot of time today discussing Bills which were discussed in this House; they were passed to the

[Mr. Anyjen] Senate, they were brought back to this House, then back to the Senate, brought back to this House. And all this time it must be understood that money is entailed; there is no point in anybody saying, as most of the Bills them-selves say, that this does not entail any more expenditure of public money. This is not so because the moment we sit here to discuss a Bill we spend public money. Now whose money do we spend if we do not spend that of the public? We are paid for sitting, we are paid some salary, and I would like to say that as regards these amendments Government should have made this position very clear. If the Senate is not allowed to introduce any amendment to financial Bills, or if the Senate is not allowed to discuss or to amend Bills like the one we were discussing today, Mr. Speaker, then I personally do not see why it is necessary for the Senators, who are paid, to go and discuss it the whole day; they get paid, then they bring it back here, we do discuss it the whole day, and then we take it back here. If the money is carefully calculated, it will be found, Sir, that we are not being good guardians of the money which has been paid by taxpayers, the majority of whom are poor and the majority of whom are the people who need us as Members of both Houses.

So I would like to say that one of the reasons why I think the Government should withdraw this Bill and reintroduce it is to make this position very clear, so that the Senate will only be given Bills to discuss to which they can make an amendment. There is no point in giving someone something to discuss merely for the sake of discussion. This is not a debating place; we are supposed to be legislators. There is no point in giving them something in which they have no real say. Here I think it is going to look, in the eyes of the public, as if we are merely wasting time and money which belong to the public and not solely to the Members who have been elected to this House.

Therefore, the Attorney-General should take the Bill back and re-introduce it so that the position will be made very, very clear and so that everybody knows his line of action and will not waste the time and the money of the taxpayer.

Mr. Speaker, with regard to the amendment of Bill 1, I see that Government can introduce a Bill in this House and this House accepts the Bill as it is written. The Bill then can be taken to the Senate and the Government has got the right, or a Minister has got the right, to go to the Senate and introduce an amendment which was not known to the House of Representatives. Now I

think this is a waste of time because what is going to happen is that this House is going to discuss a Bill, let us say, for three or four days, and after it has been passed it goes to the Senate. The Senate will discuss it for three or four days. And then the Minister will introduce an amendment and the amendment will be discussed. The amendment will then be brought back to this House. We shall discuss and discuss and then maybe we shall disagree, and then the Minister will take it back again. It will be going backwards and forwards, like this and like that.

It must be remembered that all the time money is involved. Why is money involved? Now that the Attorney-General is here, I will make this point again. Money is involved because you pay me for sitting here. It is no secret. And we do not want to be spending public money unnecessarily. So any Bill which Government wants to introduce should be full, should be complete, so that when it has passed through this House we shall not wait for it to be passed in the Senate. Here, I would like to say that I do not know if there are very many Senators here. I only see one Senator, Mr. Speaker, who referred to Members of this House as being one hundred and one youth wingers. I would like to say this to the Senate—Yes, one of the Senators did say that.

I would like to say that the Senators must also be responsible. Now the Senators know very well that if we pass a Bill, and they make an amendment, and it comes back here, in the end we are going to do exactly what we have done today, that is that we are going to lay it aside for one year and then it will automatically become law. This is not creating a good relationship, and I think the Senators should also be responsible enough and not say that we are youth wingers, because, after all, they must know that this is the House which produces Presidents and which produces the majority of the Ministers. So we are not youths. Mr. Speaker, in good faith I would also say that some of the Senators are now too old to be able to understand exactly what the younger men want to say for the interests of the youth who are going to live longer than the majority of the Members of the Senate.

Now I would like, Mr. Speaker, to come to section 25 which deals with citizenship. Here is where I think there is going to be quite a bit of a problem. We have asked several questions in this House in connexion with citizenship. It is very unfortunate, Mr. Speaker, that in this country we have got people who see fit to stay here and continue the old idea of licking the wealth of this country. But they do not want to identify themselves with the people of this country. This is

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(The Attorney-General on 23rd March 1965)
(Resumption of debate interrupted on 24th March 1965)

Mr. Anyieni: Mr. Speaker, before the House rose yesterday, I was saying something in connexion with the Regional Assemblies which are now going to be known as Provincial Councils. I do not want to labour on that point, but I would like to remind any hon. Member who was not there, that as long as these gentlemen are elected in these places, they should not be treated as the former provincial advisory councillors. Since they are elected, and since in many cases they do help Members of Parliament to serve the people who elected them, and incidentally they are the people who elect us also to this House, they should be given some payment. I must say here that it is very important that a provision be included.

The other day, Members of this House did say that Sh. 833 which they were getting, or Sh. 1,400 which they were getting, was too little. This was mentioned and somebody made sure that this was given publicity in the papers. As a result, today, all people know what Members of this House who are not Ministers are being paid. While we Members of this House have had an increase in pay, it is not fair for the Members of this House not to approve any payment at all for other elected members, people elected like ourselves but to a different House. For that reason, I would like to ask hon. Members—and in this respect I would like to ask the Attorney-General—to consider this and see whether they can introduce another amendment to this Bill so that the members of the Regional Assemblies can be given some money to help them live. That they also can be given some allowances too. I see that the Assistant Minister for Education is shaking his head—

The Assistant Minister for Education (Mr. Mutiso): Yes, I agree.

Mr. Anyieni: Oh, you agree with me? Thank you very much for not attacking me. I was going to attack him because he is getting a good salary and he can educate his children. I am labouring a little bit on this point but the members of Regional Assemblies—maybe some of them are Members here—are mainly good and even if there is a bad Regional Assembly member, he may lose the vote in the next election. So a better man can be elected. These people do help us. For example, we have been here since Monday. In my

constituency there is nobody to help me to solve the problems which may arise. The member of the Regional Assembly is the gentleman who helps me, so some of the complaints do not reach me, they reach the Regional Assembly member. I consider them as being of assistance to the Members of the National Assembly. I do not think it will cost Government very much to do this.

It would create a good relationship between the Members of Parliament and the members of the Regional Assembly, and between the Kenya Government and the members of the Provincial Council. So I am asking Government to consider allowing these gentlemen some money to help them live like gentlemen and not like beggars.

I do not want to say too much on that. I would like now to mention the change in the Constitution. Mr. Speaker, in this amendment it is stipulated that while in the past, in the original Constitution, 75 per cent of the Members of this House were needed to change the Constitution, and 90 per cent of the Members of the Senate were required for the change, now only 65 per cent is needed to change the Constitution. The reason why the Members said 75 per cent was that they believed that here we had a Government which had 65 per cent of the Members of this House or of both Houses. In a one-party system, this is not a really big problem. But suppose in the future, in some ten or twenty years' time there are two parties in our country. This will be dangerous because if the ruling party commands only 65 per cent, which is not very difficult for a ruling party to have, then that ruling party can amend the Constitution so that it will suit them. Therefore, I would like the Government still to maintain 75 per cent. I do not see why there is any fear at this juncture. This has been formed with the belief that since we now have one party, this will not be a difficult thing. Since there is one party in Kenya, it will not be difficult to get 75 per cent of the Members of any House to change the Constitution. I should like to say that 75 per cent should be maintained and 90 per cent in the Senate should be maintained for the security of the minority. After all, what is democracy? Democracy is that we agree to disagree. While we agree to disagree, there might be on one belief a majority, and in the other there might be a minority. Now the minority also must have a part to play in the running of that country and for that reason, I ask Government—though the Attorney-General is walking out, I hope he has left somebody behind here to take notes—to maintain that 75 per cent.

I say this because I do not see any reason for fear since we have a one-party system. Even

(Mr. Anyieni)
if they wanted 100 per cent, this could be. If things are done according to the wishes of the people of this country, for a long time Kenya will be a country which will be run by a Government elected as one party. For that reason I believe that 75 per cent should be maintained.

Mr. Speaker, I would like also to come to the declaration of emergency in section 29. Formerly, a great percentage was required to declare emergencies. Now they say that "there should be a majority". This is I think very dangerous, because an emergency is not a mere declaration. They are powers given to Government at the times of emergencies. For example, the forces will be allowed to shoot on sight, and they are free to shoot on sight. The President could be allowed, under the emergency regulations, to order that such-and-such a person should be detained without trial. A lot of things could be done. He would be able to say that in such-and-such areas there would be no movement after dark. This could continue and go on. Under the present leadership of President Kenyatta this may not be a problem, but we must realize that we are not creating a Constitution for the present President. We are creating a Constitution so that one day when, say, Anyieni is the President of this country, this law will be able to apply. I am trying to warn Members that they must be very careful, that one day they may have a very notorious President and he will have powers which is the Constitution which we have passed. We are passing them in the Constitution amendments. I say we must not blind ourselves by saying, "Oh, well, President Kenyatta is a very good President, he will never want to use these powers," and so on. This is blinding ourselves. This is not a mere sound Bill which we are trying to pass. This is the foundation of our own nation which we are trying to put down and which will guide whoever comes to power. That being the case, Mr. Speaker, I would like to say that this low majority must never be accepted by Members of this House. If it is accepted, I pray to God that he will help us and that we will never have a notorious President who will use this law to declare unnecessary emergencies with low majorities.

Members of Parliament should be very careful when they accept this. That is one of the reasons I think the Attorney-General should not consider this. It is not like when we were passing the second amendment to the Bill, when it was said, "You see, if it is not passed now—this is the Constitution which is going to bring the Republic—we will never have a Republic." There is no question of Republic now. Even if we maintain the present Constitution, we can still

continue without any problems. I would like to say that nobody should come up and say, "Oh, you must support Government on this." It is not a question of supporting Government. This is not the point, because there might be another Government after some time. That Government is not also going to bring in its own Constitution. This is a Constitution which we are creating for say Government which may come to power in this country. As such, we should know that there will always be some difference of opinion, and a President who may fear that he does not have the confidence of the masses, could in this respect declare an emergency and continue ruling under emergency powers.

Sir, I think it is very important that the Members of Parliament in this House should see this point and do something about it. There is another point which I think ought to be raised here. The Constitution does not specify who is going to convene the Provincial Councils. We do not know now whether the Provincial Councils are going to be under the administrative provincial commissioner of the province, and whether—we would like Government to make this clear—the Government will say that the provincial commissioner of a province will convene the meeting, or the chairman of the province will convene the meeting. This is very important for us to know. If the provincial officer or commissioner is going to convene the meeting, I think this will be extremely dangerous. If this is so, then what Government should do is to dissolve the Regional Assemblies and then nominate members of Regional Assemblies as the provincial commissioners are nominated. Then the provincial commissioner can convene a meeting and chair that meeting, in which case we have gone back to the days of the Provincial Advisory Councils.

Members should also know that in the days of the Provincial Advisory Council, there used to be a lot of bad things going on. What they used to do—hon. Members will remember that this was a time when we were not independent—was to pick a "Yes" man, a good man from an area. Then they would make very big decisions, very vital decisions. You would then be told this was done with the advice of the Provincial Advisory Council.

But then the position today, Mr. Speaker, is not that, the position is that according to the agreement reached in London we have got people who are elected to the Provincial Councils or as they were then called and are today called Regional Assemblies. These people who have been elected cannot be treated as nominated members. I think it is a mockery. Now I want

The Deputy Speaker (Dr. De Souza): Mr. Nyaga, will you please leave the Chamber.
(The hon. Member thereupon withdrew)

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Koedhek): The position as I see it, Sir, should continue in accordance with the way this matter was passed in this House. That is what I maintain should be done.

Mr. Glehoya: Mr. Deputy Speaker, Sir, I do not need to talk much about this, but I still have one thing to say on the part of the Government. There is always some sort of dispute being brought to us as amendments of the Senate, and perhaps I do not really blame the Senate as they lack one thing, and that is legal guidance. Now, my feelings are that, in order to signify things and make them easier for the House, it would even cost the Government very little, if we could lend them an Assistant Legal man in the Chamber of the Senate, so that whenever they are confronted with a legal technicality, they could easily consult a legal man and get the answer so that they do not have to waste more time discussing what otherwise has no meaning in the context of the Constitution.

Now, I feel also that the problem that is within the Senate is mainly because there is not a single lawyer put there by the Government to guide the Senate. Mr. Deputy Speaker, the Government should do something about this, Sir.

The Deputy Speaker (Dr. De Souza): We have had a good debate on this, and we do not need to go into it again.

Mr. Glehoya: Mr. Deputy Speaker, what I am trying to suggest is not to the Senators but to the Government, that we have a Deputy Attorney-General for the Chamber of the Senate, or otherwise the Minister responsible for a particular thing should consult with the Attorney-General when returning a Bill to the Senators, and when there is a problem, he should go there instead of sending the Assistant Ministers. It also dignifies the Senators when they see a Minister, a Cabinet Member, going to explain to them the problems, rather than an Assistant Minister who never goes near the Cabinet.

Mr. Deputy Speaker, Sir, some of these things are not even technical, they are just mere illusions. The Members of the Senate feel that they are belittled, and consequently, they have to resort to blocking the Bills being made into law.

With these few words, Mr. Deputy Speaker, I suggest that the Government must appoint a

Deputy Attorney-General to the Senate who will be able to advise on these things, or otherwise a Minister responsible. I think the Attorney-General should go to the Senate and explain to them the whole thing.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, Sir, I would like to correct a few wrong impressions which have been created in the minds of the Members by the last speaker. He said that the Senators would feel more dignified if, when the Bills are being presented to them, the Minister would go to the Senate and present his views. I would like to inform the hon. Member that, according to the present rules and the Constitution we have at the moment, the Assistant Minister does not sit in the Senate, but only the Minister himself. And, this has been the practice right from the beginning, so I think the hon. Member is a little misinformed.

The other point, Mr. Deputy Speaker, is what my hon. colleague, Mr. Anyieni said. He wished that this Bill be referred to a Joint Committee. I understand, Sir, if my information is in order, that if it were that this Bill be referred to the Joint Committee, the implications would be that this Committee would sit for about six months. And whatever agreements or disagreements are reached by that committee, they would be brought again to this House subject to debate in both Houses, and this would automatically mean that this Bill will take almost another full year, without anything being done on the whole thing.

Therefore, I would have thought, Sir, that it is more appropriate that we accept the Bill as it was originally proposed by the House of Representatives, and that we will be in a position to let the Bill operate in a way pending this one year period, until it can be brought again by whoever is interested. So, Mr. Deputy Speaker, I think it is a waste of time and also a waste of the tax payers' money if we ignore what is being agreed in the Senate, which would mean that this House is being denied its rights of judging some matters which are clearly stipulated in the Constitution. As several Members have said, and I personally feel this also, we have no quarrel with the Senate, and would not like to enter into the arguments with whatever merits or not they have between these two Houses.

With these few words, Mr. Deputy Speaker, I would like to recommend that instead of deferring the debate to the Joint Committee of both Houses, we accept the information given by the Minister, so that we can operate for the time being and effect whatever changes or proposals are made by the Bill.

Mr. Nyaga-Aboki: Mr. Deputy Speaker, Sir, I do not have much to say, and I would like to express to the Members, that after my speech, no Member stands up to speak except to allow the Member to be put.

Mr. Deputy Speaker, much as I sympathize with the suggestion made by the Member for Githungu, that the Senate needs legal guidance as a person should sit with them there, I also appeal to the Members that when Ministers have made their positions clear on a subject as clear as this one, we should not need to be advised from time to time by our fellow Members of Parliament or Ministers. The position is that the Senate should be told through these speeches that in trying to block a Bill, or trying to block any proceedings in the Senate, thinking that it will cause difficulties in this House, they may find themselves without any useful job to do in the Senate. This is now the second or third time they have dealt with the same kind of Bills. All that is required is that one word be inserted, that is "National Assembly". Even the term "National Assembly" does not apply. It is a very vague term, particularly in the Constitution. When we sit together with the Senate here, as on ceremonial days, the term "National Assembly" really and correctly applies. The Senate then be *sub judice*. It will be in the select Committee's hands, without us knowing or predicting what the select Committee is going to recommend. For that period of six months, we cannot even anticipate the end. In this particular case, we know what the end is going to be and we can begin to act in the knowledge of the finality.

I have never known any Senator in any country who also uses the term "Member of Parliament" after his name. If that is the case, then the word "Senator" should not apply. He should just "be the hon. Senator So-and-so". This means that we can lend some of these experts to the Senate when proceedings are going on. This will help them a great deal and it will help this House as well. All this afternoon we have been dealing with questions which need not arise in this House. We are spending time in this House debating what people who are—

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

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

decided to know the truth, to read the Constitution should have known a long time ago. But this does cannot stop the Bill falling to work. This is how the Bill is going to operate. It is going to be there and it will be operated when the period of one year has past. There will be no question of bringing it back to the House, nothing. If it is referred to a Joint Committee, it will not work in the manner in which it is now going to work.

With these few facts, I would like to ask Senators, kindly not to address themselves as "Senator So-and-so, M.P.". This will encourage such names to be connected with us here. So, with these few words, Mr. Speaker, I wish to make the suggestion that the question be now put.

The Speaker (Mr. Slade): I do not normally allow an hon. Member who has spoken for some length of time to move the closure at the end of his speech; but if no other Member wishes to speak, I will call upon the Mover to reply.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I think enough has been said on this subject. I can only say that with the deepest respect for the hon. Member from Majoge-Bassi, I hope he at least appreciates why we do not feel inclined to agree to a select Committee on this matter. We are not suggesting that there are no matters which will arise where it would be useful to go to a select Committee, but in this particular case, there is no room for discussion in the select Committee.

In any case, we are not reducing the time factor by going to a select Committee, because it is provided that a select Committee will meet within six months, by which time, in fact, our hands will be completely tied because the matter will be *sub judice*. It will be in the select Committee's hands, without us knowing or predicting what the select Committee is going to recommend. For that period of six months, we cannot even anticipate the end. In this particular case, we know what the end is going to be and we can begin to act in the knowledge of the finality.

That, Sir, is the position.

(Question that the Senate amendments be now considered again, put and agreed to)

(Clause 3 read)

THAT clause 3 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

(Question proposed)

(Question put and negatived)

(Clause 6 read)

THAT clause 6 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

(Question proposed)

(Question put and negatived)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

[Mr. Gichugu] goes to the House of Representatives will have these responsibilities, and whoever goes to the Upper House, which is the Senate, will have these responsibilities, and the voters definitely were very clear that when they sent their representatives to the House, they would take certain responsibilities. Our responsibility, which gives us a unique position so far as our relationship with the Senate is concerned, is the money aspect of the Constitution. If we relegate our responsibility and say, "All right, let's all be on a par," it means that we are abusing the Constitution.

Unless and until the Constitution is amended—and I do not see that there is any need for amending it—so that we are on the same terms of finance with the Senate, I think we must maintain the Constitution, respect the Constitution, and the Senate must do likewise. At the same time, it must be known that in Kenya our Constitution gives us a semi-House of Lords, and a complete House of Commons. This is exactly our *status quo*. Here, the Senators are the same as the Lords. Although the Senators are ordinary citizens of this country, they are put on the same level as the Lords in England. It also gives them another characteristic, whereby they look like the Senators of the United States, who normally represent a state and not a district. Here, the states are the districts.

Mr. Speaker, Sir, each particular group knows his own responsibility, and it is the decision on the part of this House to accept or reject their responsibility and feel that they are not competent, they are not enough to regulate the moneys of this country.

With these few words, Mr. Speaker, Sir, I say that with all due respect to the Senate, both Houses understand their responsibility.

(Question put and negatived)

The Speaker (Mr. Slade): Perhaps, a Member would like to consider moving that the Bill be committed to a Joint Committee of both Houses.

Hon. Members: No.

Mr. Anyieni: On a point of order, Mr. Speaker, when I asked this in the form of a point of order, he said that if no Member says that we have a Joint Committee with the Senate, then this Bill will not become law for one year. The time is too short and as such we cannot wait until next week. That very Government now is supporting the idea of leaving the Bill for one year. Now, I do not understand the meaning behind it.

The Speaker (Mr. Slade): That was what we had in mind.

The Minister For Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, there is this unfortunate arrangement in the Constitution which makes for this rather complicated machinery, but committal to a Joint Committee means, in effect, that the matter is not yet settled, that we still have to go and debate it and discuss it in the Committee as if it were that we were going to delay it. The fact of this matter is that the Constitution is clear, and until the Constitution is amended there is no room for discussion, because it is either this or the other. It is either within the Constitution or in conflict with the Constitution, and as the hon. Member for Gichugu has said, this House, under the Constitution, has its own responsibilities. Are we going to have a Joint Committee to discuss the responsibilities of the two Houses? Is the Committee going to discuss amending the Constitution and so on and so forth.

The other point is that if it is committed to such a Joint Committee, we still have to bring the report back here. Therefore, this discussion of this debate is still open, and we, in the Government, do not feel that the matter lends itself to a joint Committee discussion, nor do we think that we should even imply that there was any room to question the fact that this proposal from the Senate would be in conflict with the Constitution. We are quite happy to let the matter rest now where it is, in the understanding, Mr. Speaker, that at the end of the time stipulated, this Bill automatically moves on to become law, without any further discussion with anybody, without any further arguments on the part of anybody, and without any further return to the House to worry the heads of the Members in the House when the intention is so clear.

Mr. Anyieni: Mr. Speaker, there is a point I would like the Minister to make clear because—

The Speaker (Mr. Slade): We cannot have any further discussion of this unless some Member wishes to move. We do not have a question before the House at the moment, so we will move on to the next order.

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendment thereto)

Consideration of Senate insistence on their amendments

THE POST OFFICE SAVINGS BANK
(AMENDMENT) BILL

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

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

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, Sir, I do not think that the Members would like me to waste any more time merely repeating the arguments I have already given to the House in respect of Order No. 6. The Post Office Savings Bank (Amendment) Bill deals exactly with the same matter, and for the same reasons Government cannot accept the Senate proposed amendments. Unless the hon. Members want me to talk for the sake of talking, I will save more time by just moving it and saying that the same position applies.

The Deputy Speaker (Dr. De Souza): You have to move completely that the Senate amendments be now considered again. After that is passed, we will then put the question of the amendment.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, I am sorry for not having done that. May I now move that the Senate's insistence on their amendments be now considered.

The Minister for Internal Security and Defence (Dr. Mwangi) seconded.

(Question proposed)

Mr. Anyieni: Mr. Deputy Speaker, I do not know where we are going to end up. It is now going to be three years, because we have had the National Assembly, or the House of Representatives, for two years. Now, for another year, in our Bill, we are still going to maintain Legislative Council, because this is what is going to happen and the Government amendments will only be operational after one year. So, I am wondering whether Government could not try to get these committees made and see what happens. If we find that these committees are not suitable, then we will not refer to them any more, but you may find, Mr. Deputy Speaker, that even a committee like that is useful.

I thought the Minister should have been listening because he is to reply, but he is talking to his friends.

I was saying, Sir, if I may repeat myself in short, that I do not really like this idea of us being at loggerheads with each other, and then trying to maintain a colonial language in our

Bills for three solid years of independence. I do not think this is good, and I would like the Government to try and see what really happens. If the Government will move that we have a Joint Committee meeting with the Senate and find out what could be the fruits, if we find that the Senators are so negative as to refuse what the majority of the Members of this House have recognized to be something that is necessary and essential for the interests of the country. Then, we shall start to question the rights of the Senate to allow us to maintain clauses like this for three years. But, then we may accuse the Senate falsely by saying that if we meet them they will not do anything. Here, I would like to appeal to the Senate that if the Government decides to convene this joint meeting, I would like to—

Mr. Nyaga: Interjection.

Mr. Anyieni: Surely, Mr. Deputy Speaker, the hon. Nyaga can give me time to speak.

Mr. Mboya: On a point of order, I thought that the Government told us that there is no discussion in the first Bill, but that has just been passed, and then brought this on the same lines. Then the Government has said that there is no discussion about it, because in this amendment the Government must do without the Senate so the Bill goes without these amendments.

The Deputy Speaker (Dr. De Souza): I see your point, but that is not a point of order.

Mr. Anyieni: Mr. Deputy Speaker, the point I am trying to make is probably, if the Members of this House and that House meet, you must find that there are agreements, but if there are no agreements, in the future whenever there is a tug-of-war, there is no discussion, and it can just be put over like that.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Deputy Speaker, Sir, I do not like to stand and talk on this particular matter, but perhaps a few words of explanation might be useful here. I see the view of my friend, Mr. Anyieni, but I think he is going a bit too far when he goes beyond the explanations which were given in connexion with the order which we have just finished. If we have to bring the whole of this matter to a Joint Committee of both Houses, we will have to forget it more or less as a matter of court procedure. It will be under the court, and we cannot act. But, since we have passed this in this House, it is not our business to tell the Senate what their business is. They should know, but if today we submit this Bill to a Joint Committee, we will not be able to do anything at all.

Mr. Nyaga: Interjection.

Mr. Anylen: On a point of order, Mr. Speaker, I think we have heard all shades of opinion and I move that we now allow the question to be put so that we can go on.

The Speaker (Mr. Slade): I think it is reasonable to allow that question now, and I will put the question that the Mover be now called on to reply.

(Question put and agreed to)

The Minister For Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I regret very much that there seems to have been a misunderstanding on the part of the Senate and a bit of a misunderstanding here as we discussed this particular clause. I want to make it quite clear from the outset that there is no intention whatsoever on the part of the Government to engage in any tug-of-war with the Senate. This is not a tug-of-war with the Senate; we are merely drawing attention to a situation that has arisen as a result of a misunderstanding in the Senate as regards the definition of this Bill and the extent of the powers of the Senate in relation to the powers of the Lower House.

To accept the Senate insistence would amount to a conflict with the Constitution. That, in fact, is the crux of the matter and what we are having to decide here. Our decision and the contention of the Government is that we are bound to uphold the Constitution until such time as the Constitution is itself amended.

Now, Sir, there are two aspects of the Constitution and perhaps here I might confess to having injected into the House some degree of misunderstanding when I first spoke. There are two aspects of the Constitution, the first of which deals with money Bills as defined in the Constitution, and this lays down the procedure by which such money Bills may be passed through the National Assembly and without the veto or delay by the Senate. The normal delay period by the Senate does not apply in those matters. It means that the Senate may consider them, but the Senate may not delay them or veto their passage. When they have been taken to the Senate and they have had the opportunity to express their views, these Bills, with the certificate of the Speaker of the Lower House, must be approved and the period stipulated of one month is then applied.

The other aspect is with regard to Bills which refer to money or financial matters. These are not dealt with under the certificate of the Speaker of the Lower House, but it is provided for under section 60 of the Constitution that

the person presiding in the House would, in fact, draw attention to the fact that this Bill was a financial Bill in so far as it had any connexion with expenditures or any other monetary aspects. Under this section 60 (1) (b), the Speaker of the Senate could have—and I regret that this was not done—drawn the attention of the Senate and so ruled that this insistence would amount to a contradiction or a conflict with the Constitution as this was a financial matter. However, this was not done and I am not going to take issue with the Speaker of the Senate at this point. But the point is that in that case, in this second aspect of the Constitution, the final say rests with the Lower House, and the principle that the Government holds is that, whereas this is not a money Bill in the terms of the section requiring a certificate by the Speaker of the Lower House, it is a financial matter which would require expenditures and other related matters, which must rest with the Lower House, until such time as section 60 of the Constitution is amended. So long as section 60 stands, it is not possible to have this extended to the use of the words "National Assembly" as suggested by the Senate because that would imply that the final say would rest, in fact, with the Senate, whereas the Constitution stipulates that on these kinds of matters—money matters—the final say must rest with the Lower House.

Now, Sir, I hope that this clarification helps us to get over some of the misunderstandings that have arisen. I would like also to explain to those hon. Members who felt that perhaps Government was not anxious to reach agreement with either the Parliamentary Group or the Senators that that is, again, not so. In the last two days, the Assistant Minister for Finance made efforts to discuss this matter with the Parliamentary Group but without success, due to the fact that the Parliamentary Group was involved in quite a number of other things, in which many hon. Members here are aware. In fact, this morning, when the Assistant Minister attended the meeting, he specifically asked to speak on these Bills and he was told that there would be a lot of other business and that these could be left without discussion. So Government has, in fact, tried, outside the Chamber, to discuss these matters informally. I assure the hon. Members of the Senate that there is no intention of entering into a tug-of-war with them or to slight their position or dignity; in fact, we do recognize their position and dignity and wish to work with them in all harmony and co-operation, as we have done in the past and will continue to do in the future.

(The Minister for Economic Planning and Development)

Mr. Speaker, the issue is very simple. The law that exists today, as we speak here, still refers to "Legislative Council" and until this amendment is passed, we will have a law which refers to a "Legislative Council". We do not have a Legislative Council and have not had one for the last two years, so it is important and urgent that this amendment is approved, so that the law is brought into reality with the new situation. The body which takes over the place of the Legislative Council in this particular case is the House of Representatives: only in this particular case, but in many other cases the Acts refer to the "National Assembly" which does not mean, as was explained here, that when matters of this kind come here they will not go to the Senate. They will go as usual, the only thing is that the final say will rest with the Lower House, as the Constitution stipulates.

I hope, Sir, that these explanations help us now to agree that the Senate amendment should not be accepted and that the amendment as proposed in the Bill should be approved.

(Question, that the Senate amendment be now considered put and agreed to)

(Clause 4 read)

That clause 4 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

(Question proposed)

The Speaker (Mr. Slade): It is open to debate now, but I think hon. Members, having said what they have had to say, may not need to say much more.

Mr. Anylen: Mr. Speaker, Sir, I do not want to speak on this but I want to ask your guidance. After we have rejected the Senate's amendment, will the Bill again go back to the Senate or is it going to go somewhere else, otherwise the tug of war continues?

The Speaker (Mr. Slade): No, it does not go back to the Senate. It does not go further anywhere, pending the expiration of one year, unless a Member moves today that the Bill be committed to a Joint Committee of both Houses. It is open to any Member to move that, the moment the House has disagreed with the Senate amendment, then it will go to a Joint Committee of both Houses, with a certain number of representatives of each House appointed by the Sessional Committee of that House. They will put their heads together, see whether they cannot reach agreement,

after which they will report back to their respective Houses what they think both Houses should agree.

The only other alternative is that the Bill lies dormant until a year has passed, after which it can become law in spite of the Senate opposition.

Mr. Mboya: On a point of order, Mr. Speaker, Sir, what I do not understand here is that now the Government says that this Bill is a money Bill like any other Bill—

The Speaker (Mr. Slade): No, it is not a money Bill. It has been explained to hon. Members so much that a money Bill is in a clause by itself, and it is covered by certain special procedure, special privileges; but any special provision in any Bill which deals with money is the prerogative of this House, and this particular principal Act, which the present Bill seeks to amend, contains a provision which controls the indebtedness, the expenditure of public funds, by this particular corporation. So the amending Bill seeks to put that power in this House; the Senate seeks to get that power for both Houses. This House has said no; the Senate has said yes again, and here we are.

Mr. Gichoya: Mr. Speaker, Sir, one thing, I think, which ought to be very clear to the Members of the Senate is that each House, under the Constitution, has its own duty, its own responsibility, and its own dignity as well. Anything pertaining to money or money matters or financial aspects of the Kenya Government or this country, for that matter, is directly the responsibility of its Members of the House of Representatives.

Mr. Khasakhala: On a point of order, Mr. Speaker, as most of the explanation has been given to us, I move that the question be now put.

The Speaker (Mr. Slade): I will allow that, but I think out of courtesy to Mr. Gichoya we should allow him to finish. He is trying. I think to ease relations between the two Houses.

Mr. Gichoya: What is more important, Sir, is that each House has to understand its own responsibility, humbly and honourably. Each House should respect the other. There has been somehow a feeling amongst Members of the Senate that because the Constitution does not give them the right to deal with money matters, their House is inferior. This is a feeling. Mr. Speaker, which is very wrong. It is erroneous because the Constitution stipulates—and it was stipulated before we were elected—that whoever

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[The Assistant Minister for Finance]

what was inherited by the Government from the previous Government was the two-thirds of the moneys of the Savings Bank should be invested abroad in London markets. Mr. Speaker, Sir, this is one of the things we feel, that if this Bill was passed it would be advantageous to us, because that money will be available for us.

Now, as far as the point under dispute is concerned. Actually it is a matter of—Mr. Speaker, Sir, you have ruled that this is not a money Bill but it is quite clear that this is a matter which concerns finance and, as such, it is something that it is the business of the Lower House, House of Representatives.

We all know that when we have approved the Bills, whether they are financial Bills or not they also go to the Senate, and as in this case, this Bill went to the Senate. The fact is that it has been put here that we do not need, the Senate approval to the Bill, we only need the approval of the House of Representatives but this does not mean that whatever is decided the Bill will not go to the Senate. It will eventually go to the Senate and be passed. The only thing being stated here is that it would be wrong to say the "National Assembly", in other words the Senate, should have a say in this, because that amounts to more or less changing the Constitution which gives the approval of financial matters solely to the House of Representatives, and I think this is a point which is just a little confusing. It is just a question of using the name which is in the Constitution. The Constitution says that financial Bills can be passed by the House of Representatives and cannot be passed or amended by the Senate. Now, that does not mean that financial Bills cannot be referred to the Senate. They can go to the Senate, but the only thing, according to the Constitution, is that the Senate cannot amend them, but, if by implication here they would say that it should be referred to the Senate, it would be more or less changing the Constitution and this is the point we have been trying to put across.

So, Mr. Speaker, Sir, I would appeal to the Members to see this point, and pass this Bill so that the Members of the Senate who have not been approached by the Government and this point has not been discussed with them, but I feel sure that when this matter is discussed with the hon. Senators, they will see the point and will accept the explanation that if we were to follow the instructions or the amendments, it would amount more or less to the changing of the Constitution which is not what they intend us to do, so it is just a question of, in this case, saying to the

Sensors, that we need their understanding, because it appears that it is they who did not quite understand the position as far as the words "House of Representatives" and "National Assembly" is concerned.

Thank you, Mr. Speaker.

Mr. Khasakhala: Mr. Speaker, Sir, whilst I support the views of my colleagues who have said the Senate should have been given a briefing on this Bill, I do not see the reason why the Bill should be delayed. If we want the Government to draft the Bill at a later stage, I feel the necessity of making the Government carry out its work swiftly with regard to this Bill as it was brought here before and the Senate amendment was rejected at this juncture, because, it is going to cause unnecessary delay of the Bill because of a small technical wording that the Senate wanted to be part and parcel of the entrenchment in the Bill. It is not very necessary to change the wording of the Bill as a whole, but they only want it to be part and parcel of the entrenchment of the Bill, that does not mean that the House should delay this Bill up to six months. I feel that we should reject the Senate amendment and pass this Bill now, Mr. Speaker. With these few words I beg to oppose.

Mr. Nyaga: On a point of order, Mr. Speaker. Is it in order according to your ruling, if any Member in this House wishes to give some hints?

The Speaker (Mr. Slade): I did not quite understand you, Mr. Nyaga.

Mr. Nyaga: Is it in order if any Member, is it in order, if he or she wishes to hint on a point? Is it in order, Mr. Speaker if one wishes to give a hint on a point to be raised, is it in order?

The Speaker (Mr. Slade): Hon. Members can only give hints to the House when they hold the Floor, as of right, unless when it is on a point of order, which any hon. Member can raise as of right any time, or the hon. Member who is speaking is prepared to give away. That is the only way that hints can be given.

Mr. Kamani: Mr. Speaker, I have found that most of the things which we depict here, I believe that we sometimes waste time and the taxpayers' money arguing on a small point. I would say that the explanation which was given by Mr. Speaker here and given by the Vice-President that the rejection of the Senate amendment was due to a technical point from the constitutional point of view. I think the Constitution is now being revised and amended by the Attorney-General, but in the Bill at our disposal at the moment, I think it is irrelevant that

no Point of Order—

[Mr. Kamani]

the House should support it to pass as the Vice-President has explained, and for the amendment of the Constitution to enable the hon. Members of the Senate to appear everywhere in the House. This should be thoroughly revised by the Attorney-General, but on this particular point, Mr. Speaker, Sir, I think we Members of the House should support this Bill with the understanding that the rejection of the Senate amendment was only because it was not in the Constitution. With these few remarks I oppose the amendment.

Mr. Nyaga: Mr. Speaker, Sir, I stand to oppose the amendment. We have down in this House, this House of Kenya here, that now went down and it is down. I have a chance of my own, you have had yours. Mr. Speaker, Sir, the hon. Member thinks that we have got the two Germans here, the East and the West—

An hon. Member: Mr. Speaker, Sir, could we be told who those are as I happen not to understand.

The Speaker (Mr. Slade): No, I cannot really tell you because it is not at all relevant.

Mr. Nyaga: Could we just have one thing, I am only talking about the Senate and the House of Representatives. If we want to be divided in our workings, that is wrong. That is the Chief Staff of this House, that is the House of Representatives

..... (Inaudible.)
If I say yes then it is yes and that is all. Therefore and coming from Mr. Mboya, the word, the honourable word, I know where I am heading to anyway. What, what? After convincing us just because

..... (Inaudible.)
We have it here, Mr. Speaker, Sir, I am not reporting it. If we got to be something that is that and not the Senate and therefore we are and they are there. The Senate does not belong

..... (Inaudible.)
I do not know.

The Speaker (Mr. Slade): Mr. Nyaga, you must sit down.

POINT OF ORDER

CONDUCT IN THE CHAMBER

Mr. Odoyo: Mr. Speaker, Sir, I think this is becoming a little bit too much and I am seeking your guidance on this. What happens if Members of this House speak and the Member who has just been speaking is under the influence of

alcohol. We cannot allow this type of thing to continue in the Chamber with the public here. It does not boost the morale of this House.

The Speaker (Mr. Slade): I have dealt with this point of order before. It is not for me to judge whether an hon. Member is drunk or sober, as I am not really able to do so. I have known some of the hon. Members who never touched a drop of strong drink but who behaved in a very drunken manner in this House; and then there are other hon. Members whom I have found, who can carry an enormous amount of alcohol and still not disgrace themselves in this House. All I am concerned with is the actual conduct of a Member, drunk or sober. If a Member, drunk or sober, so misconducts himself that he has to be ordered out of the Chamber, then he is ordered out of the Chamber. The hon. Member is not in that position, though he has become so irrelevant, I might say, incoherent, that I have to ask him to sit down.

The Assistant Minister, President's Office (Mr. Nyamwaya): On a point of order, Mr. Speaker, is there any other way by which an hon. Member in the House who feels that a particular Member is behaving in a manner which is not consistent with the dignity of this House, to ask the Speaker to order that particular hon. Member to leave the Chamber?

The Speaker (Mr. Slade): Only if the behaviour amounts to gross misconduct. Very often we have cases where an hon. Member behaves in a way of which other hon. Members do not approve, either in the manner of speaking or the substance of what he says, but unless it amounts to gross misconduct—it really has to be gross misconduct—it is not right for the Speaker to deprive that hon. Member of the right of attending this Chamber.

(Resumption of debate)

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I wish to speak on the Motion.

I notice that what we are being asked here is to approve a consequential amendment of a principal Act which has already been passed, and as such, Mr. Speaker, I would like to urge the House not to take too much time over something that has already been dealt with before. As there appears to have been a little misunderstanding on the part of the Upper House which thought that they were entitled to take part in this kind of deliberation, I would like to oppose the amendment and urge that the consequential amendment, as requested originally, stand.

Mr. Ochwada: Which will take probably another six months?

The Speaker (Mr. Slade): It certainly should not take so long.

Mr. Anyien: Mr. Speaker, Sir, this is becoming a very difficult matter for us, because I understand that what we want really changing was the words "Legislative Council" to the words "National Assembly" or to the "House of Representatives". Now we refused the amendment and then the Senate refused to withdraw their amendment and so it has gone on. I think, Mr. Speaker, that if we allow this to continue again it is going to create a very unfortunate relationship between this House and the other House, which may not be in the interests of the country as a whole. Therefore I would like to say that if this is strictly a money matter—and here I would like to ask the Attorney-General and whoever understands the Constitution fully not to tell the Members what is not true because I have tried to read the relevant clauses in the Constitution, but up to this time I have not been able to understand as to whether this is strictly a money matter.

Therefore I would like to say that Government should, if they want us to create a good relationship, probably withhold the Bill; then we can meet in our Parliamentary Group for discussion, either tomorrow or Tuesday or next week, and the Bill can be brought up again on Wednesday. This is so the position can be made clear to the Members because we do not want anybody to mislead us into thinking that this is, say, a money Bill and then we vote against it and then later on we come to discover it is not a money Bill; on the other hand, we do not want anyone to tell us that this is not a money Bill, so we say that if this is not a money Bill we will accept and then later on we discover it is otherwise. If it is a money Bill, then I do not see why we should waste the taxpayers' money discussing the thing all the time. In that case, we should say, "It is finished." Whether the Senators want it or not, if it is a money Bill then they can do nothing; after all, they accepted the Constitution.

The Speaker (Mr. Slade): I think I must explain again that this is not a money Bill, but that is not the end of the matter. The Constitution gives this House exclusive control of all financial matters, and although this is not a money Bill, the particular provision of the principal Act which the Senate wishes to alter is a money provision, which says who is to control the amount of indebtedness which this corporation

can incur, whether it is to be this House or both Houses. That is the issue here. It is nothing to do with a money Bill, it is to do with a provision concerning the control of finance.

Mr. Anyien: Thank you, Mr. Speaker. Perhaps I may be allowed to ask a question in order to make the position clear. Does it mean that constitutionally the Senators have the right to introduce an amendment?

The Speaker (Mr. Slade): They have the right to propose any amendment. The question is whether this House will accept any amendment which they regard as going contrary to the Constitution.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, would you please explain to the House or to me the Standing Order No. 111, the last paragraph of part 1, as to when matters of this kind should go to a Joint Committee?

The Speaker (Mr. Slade): That is provided, either when the House has resolved to postpone consideration of this amendment for six months or has disagreed with the Senate. In either case, any Member can then move reference to a Joint Committee. After one of those two decisions has been made by this House, any Member can move reference to a Joint Committee.

I interrupted you there, Mr. Anyien.

Mr. Anyien: Therefore, if that is the case, I should like Government to explain to us why they do not think this should be for the National Assembly instead of for the House of Representatives. In this, I am not specifically referring to this Bill because this is not the only Bill of this kind, there might be many more such Bills in the future. We must do everything we can to prevent our having to come here, discuss something, agree to it, pass it on to the Senate, who refuse it, have it come back here, refuse it again, pass it back there and so on. I think the whole country will think we are not responsible enough. Some amount of understanding should be given and with regard to this particular Bill I think there is some little misunderstanding. I cannot blame the Government too much for not having consulted the Parliamentary Group because I understand that even yesterday the Ministry concerned wanted it to be returned to the Parliamentary Group but the Group was too busy with other things, as it has been today. Even so, I would like to ask the Government kindly, in order not to create bad feeling between us and the other House, if this Bill could be

[Mr. Anyien:] put off until tomorrow, or next week, so that we can discuss it and then agree together and come back and get it finished.

The Vice-President (Mr. Odonga): Mr. Speaker, Sir, probably in my lay language I might be able to convey to the Members that the argument we have here is only a very slight misunderstanding. It is something that can actually be explained between ourselves as Members here and in the Senate and something which we can understand. In our Constitution it is clearly stated that any questions dealing with money matters are dealt with by the House of Representatives and this particular clause only quotes what is already in the Constitution, that any of those money questions will be dealt with by the House of Representatives, and this is where the Senate, probably because of a little bit of misunderstanding, think that they are being excluded unnecessarily, but it is only the Constitution which is being quoted. If later the Senate and this House agree to amend that one, that is another separate issue which can be discussed in either Bill which may be brought here, but this one should only stand as it is. The Bill, as Mr. Speaker said, is not a money Bill, but this particular clause deals with money which is usually a monopoly of this House, according to the Constitution and that is why I think if we really settle this, and agree that we have not seen any way of agreeing with the amendment that was suggested, I think that later if some of the Members, or even the Ministers, go to address the Senate, they will be able to explain it to the Senate to understand it, but I think this should not drag out all the time, that it has done, Mr. Speaker.

The Speaker (Mr. Slade): I think, Mr. Ochwada, you have had your go.

Mr. Ochwada: No, Mr. Speaker, Sir, I raised a point of order.

The Speaker (Mr. Slade): Oh, it was a point of order. I thought you were moving the adjournment of the debate and then decided not to. All right.

Mr. Ochwada: Mr. Speaker, Sir, while I tend to agree with the explanation given by the Vice-President, one wonders why, because this is an instance brought by the Senate on their amendment, it was brought to this House, we referred it back to the Senate. At least someone, from the Front Bench, on the other side, could have taken the initiative to explain to the Senators what exactly this clause referred to. I think it is unfair that

the Minister should put us at loggerheads with the Senate unless, of course, there is a motive behind it. I hate to use the word motive.

The Speaker (Mr. Slade): You have to be very careful how you do, too, Mr. Ochwada.

Mr. Ochwada: But this being the second time the Senate was referring back to us, there was ample opportunity for the Ministers to go to the Senate, and tell them exactly what it was about.

Mr. Nyaga: On a point of order, Mr. Speaker, may I have your ruling as to whether the raising on a point of order, and is it in accordance with the ruling?

The Speaker (Mr. Slade): He is not raising a point of order, now, Mr. Nyaga, he is saying that when he spoke previously it was only on a point of order. I allowed him that it was only a point of order he was speaking on before.

Mr. Ochwada: Now, Sir, that the Senate has again refused to accept it and has referred it back to us, and the Minister is insisting that we insist on our previous decision on the Bill: namely, to reject the Senate amendment, I would like the Minister when he comes to explain why this has been allowed to go on for a long time.

Mr. Speaker, Sir, it is the duty of this House, of course, to deal with certain Bills which may not be dealt with by the Senate and I would tend to have agreed with the Minister's proposal that we insist on our previous decision on the Bill, but unless I am satisfied by an explanation from the Minister that perhaps there was an effort made to convince the Senate that this did not fall within their scope of deliberations then I do tend to agree with my hon. Member for Majogo-Bassi that discussion on this Bill be deferred until next week.

The Assistant Minister for Finance (Mr. Okello-Odongo): Mr. Speaker, Sir, I think that the Government is anxious to have this Bill passed and therefore the Government will not be anxious to support the postponement of the Bill, especially because one of the Bills deals with the money that belonged to the Post Office Savings Bank and one of the provisions here was that two-thirds of the moneys of the Post Office Savings Bank should be invested abroad. This has been changed by one of the Bills here, that this money should now be invested in Kenya, so the longer we wait then the more we are going to lose this opportunity of using this money in our development, but according to

[Mr. Oduya] and also of the Senate, is misleading. The Minister has told us that the Government has rejected it. That means that the Cabinet must have met and decided on an issue. They failed to give us a warning that the decision had already been made, and they did not ask our opinion. The Government only found it necessary to wait until it came to the Chamber here to tell the Members that they had rejected the Senate amendments.

If this continues always it will not help the smooth running of the two Chambers on matters like this. The blame lies with the Cabinet and not us here. This time the Senate amendments must go through. The Minister insisted on the issue by referring us to several things. I must take this opportunity now to ask the Minister to allow the Bill to go through. If he again talks of the Constitution, then we should, since the Attorney-General is present in this Chamber, withdraw the Bill and then we should amend it again properly. We have amended so many parts of the Constitution which was drawn up in London. Since we have amended so many parts, we can also amend the paragraphs which forbid the Senate to take part in financial matters. If we can have a Republic, we can introduce a provision for the President, and other things like that. These things never existed when the Constitution was formed in the London Conference: I do not see why we cannot create some provisions whereby the Senate also can take part in financial matters because they are also elected like the Members here. I am not going to declare war against any Senator who is equally elected like myself on a matter like this Bill which is not strictly a Bill dealing with money. It does not stop the Government from using the money that this House has already approved. This is merely a Bill which the Government would like to come into operation so that it can be taken as a legal existing organization.

Mr. Speaker, Sir, with these few remarks, I beg to support the amendment of the Senate.

The Speaker (Mr. Slade): The actual Motion before the House at the moment, I would remind hon. Members, is that the amendments be now considered. If it is resolved that we do consider it, we then come to the question of whether we agree with it or do not agree with it. But there was at one stage, I thought, a suggestion by Mr. Oduya that the Bill should be withdrawn. If that is a serious suggestion, then that should be put as an amendment now to the Motion Bill that the amendment be now considered.

Mr. Gichoya: Mr. Speaker, Sir, I stand to make a suggestion to the House, or rather the Ministry concerned with the Bill, in the light of what explanation has been given by the Speaker, and the information we had first, well elaborated, from the Minister for Economic Planning. We know for certain that the powers relating to money is a privilege and a right of this House. The Senate has a privilege of balancing and checking whatever we process in this House.

It seems as if there is an attempt to frustrate whatever this House does. This comes as a result of the fact that perhaps the Ministers do not go to the Senate and explain these things very clearly to the Senators on whatever Bill we pass from here; that the explanation of a Bill is this and that. You have just made it clear to us, Mr. Speaker, that the Constitution does, to a certain extent, guarantee this Bill, so that the Senate can have a say over the corporation, or over the funds connected with the corporation. The Minister did say—

The Speaker (Mr. Slade): Order. I am sorry, I am afraid you have misunderstood me if you thought I said that. What I was pointing out was that this was not a money Bill within the special definition of a money Bill in the Constitution, and the special provisions, with regard to money Bills as defined by the Constitution, which require the Bill to become law within one month, even if it is not approved by the Senate. That is a special class of Bill which deals exclusively with money. But other provisions of the Constitution make all financial matters the responsibility of this House and place even a single financial provision in a Bill, which also deals with other things outside the jurisdiction of the Senate. That is the case which the Minister was putting forward mainly, and that is the case which I said must receive careful attention by this House.

Mr. Gichoya: Mr. Speaker, Sir, I feel we should—in order not to have a tug-of-war between this House and the other House—as a trial have a joint committee of the two Houses whereby the implications of this Bill be examined from the context of the Constitution. The views of the Senators would then be carefully considered. It might be that the Senators, for one reason or another, thought it wise to insist, not just merely reject it and recommend amendments to be incorporated in this Bill. It might insist as a matter of right. When they maintain that it is a matter of right, it is a challenge to this House, that the House either rejects or accepts it. The Senate, if this House rejects it, will take certain steps to justify their stand. In order to

Mr. Gichoya] avoid this question of clashes between the two Houses, I suggest that the Minister accepts to have a joint committee of two Houses to go into—am sorry, Mr. Speaker, Sir, I will not accept the Ministerial Committee. We would like to have a special committee composed of experts from the Senate, those who understand the Constitution from the Senate, and people from this House who understand the Constitution. If it is a matter of taking it to the Parliamentary Group, I am sure we would not do justice to the matter, because there are over 100 people in the Parliamentary Group. A small committee would just go into a issue better than a large number of people who will, when they are tired of certain explanations, decide to take a decision in a hurry.

What I feel should be done, is that we should have a committee of a few people, maybe five people from the Senate, five people from here, and the two Ministers, possibly: the Minister for Finance and the Attorney-General. The Attorney-General should state clearly and categorically the position with regard to the law. The Finance Minister should explain to the committee what conditions he needs to borrow this money, so that the House or the Parliament will be able to decide whether the money should be borrowed or not.

From there on, you see, you are going to get the money from the Consolidated Fund of this country. Now from there the decision will be taken and the Senators will be fully satisfied that justice has been done to their insistence on their amendment. It is very unfortunate that they had to insist. I would put it this way, that they are re-insisting on it, which means that a special way of approach must be found.

Mr. Speaker, Sir, with these few words, I would suggest that the Government consider establishing a joint committee of the two Houses to examine this problem rather than merely voting for it or against it without first going deeper into the constitutional implications.

The Speaker (Mr. Slade): Mr. Gichoya, before you finish your speech, you might like to consider moving an amendment to the Motion, that consideration of this amendment be postponed for six months for the purpose of reference to a Joint Committee of the two Houses. Under our Standing Orders, if consideration is postponed, or if the House eventually disagrees with the Senate for the second time, then really there is an alternative to a reference to a Joint Committee of the two Houses. You can wait today until you find that this House disagrees with

the Senate, and then move another Motion for reference to a Joint Committee; but if you want to avoid the point where we disagree again, you could move now these amendments, that all words after the word "that" be omitted and substitute therefore "consideration of the Senate amendment be postponed for six months".

Mr. Gichoya: On a point of order, I wonder whether this Joint Committee could meet earlier than in six months' time because this is more or less killing the Bill, which personally I do not think is very wise. Is there any other way out whereby we could have the Joint Committee dealing with the Bill, say, in one week's time or a month's time?

The Speaker (Mr. Slade): I do not think postponement of consideration for six months, to wait for a Joint Committee to make a report and both Houses accepting the report within six months, really amounts to killing the Bill. But if you prefer to wait until the House has recorded its disagreement and then move reference to a Joint Committee, then you will still achieve your object.

Mr. Gichoya: Then, Mr. Speaker, in that connexion, I would concur with the views of the Minister so that we do not kill the Bill but the Bill could be considered in regard to another way out.

With those few words, Sir, I support the Minister with the intention that the Bill is going to be considered thoroughly.

Mr. Ochwada: Mr. Speaker, Sir, supposing we treated it in the way we treated the Agriculture Bill in deferring consideration of the Senate amendments for a few days and then probably next week, when we have had discussions among ourselves, we will reconsider the Senate amendments. Perhaps this might be a better way of doing it.

The Speaker (Mr. Slade): You could move an adjournment of this debate if you wish. That is a way to get what you want. You can move to adjourn this debate until a week hence; if you like to do that now, you may do so, Mr. Ochwada. Do you wish to move that formally?

Mr. Ochwada: Mr. Speaker, I see the Minister is shaking his head, also the Vice-President. I do not see the way out, because—

The Speaker (Mr. Slade): The best way, I think, Mr. Ochwada, is to let this debate be finished today, and then move a reference to a Joint Committee.

[Mr. Otende]

nearby and we have Manyani Hospital also, which is only a few miles away. Along the Nairobi-Mombasa Road, there are good bus services and it is therefore possible for people around this area to travel to these four hospitals. There is also a doctor at Voi, which is sixty miles away.

Mr. Kase: Mr. Speaker, Sir, the Minister talks of there being a good bus service and railway service, is he aware that a poor person cannot afford to pay a hospital fee, plus bus fare or any fare, so is he prepared to make provisions to see that this place receives better medical services than it has at the present time?

Mr. Otende: Mr. Speaker, Sir, in comparison with other parts of Kenya, I may say this area has only a population of 2,000 people and the population is very scattered and it is in the Tsavo National Park and therefore this place, Mito Andoi, is suitable for a medical centre to cater for the people of the area.

Mr. Ndile: Mr. Speaker, Sir, is the Minister aware that in spite of the low population, the area is full of snakes and wild animals and because of these things the people need medical attention?

Mr. Otende: I quite agree, Mr. Speaker, there are very many snakes and wild animals and the few human beings who are there are concentrated around the railway line, where we hope to provide medical services.

The Speaker (Mr. Slade): Next question. Mr. Kiprotich wishes to withdraw the next question, which he is entitled to. We will go on to the next question from Mr. Balala. Is Mr. Balala not here? Is there any hon. Member authorized to ask this question on Mr. Balala's behalf? Mr. Jahazi.

Question No. 890

RENT CONTROL BILL: INTRODUCTION OF

Mr. Jahazi, on behalf of Mr. Balala, asked the Minister for Commerce and Industry, when the Bill on rent control of business premises would be introduced in the House.

The Assistant Minister for Commerce and Industry (Mr. Oloithitip): Mr. Speaker, Sir, I beg to reply. The Landlord and General Shop Rent Control Bill and Cafe Establishment Bill, 1965, has already been drafted and sent to the Government Printer for printing before introduction into this House.

Mr. Jahazi: Mr. Speaker, Sir, since this Bill is very important, would the Assistant Minister ask the printers to hurry it up because this House has been wanting it for a long time?

Mr. Oloithitip: Mr. Speaker, Sir, we do not as a Ministry compel the printer of the Kenya Government to hurry, but may I assure the Members that next week, Sir, the Minister for Commerce and the members of this committee will sit down and discuss this Bill before it is introduced to this Parliament.

Mr. Kaggin: Mr. Speaker, Sir, in view of the fact that the Minister for Commerce and Industry had been promising the traders this Bill for more than six months now, can the Assistant Minister tell us why this Bill up to now has not been printed?

Mr. Oloithitip: Mr. Speaker, Sir, the delay over this Bill comes from the Treasury itself. The passage of this Bill has so far been held up by lack of financial resources in the Treasury, Sir. The original Bill provided for a tribunal which would have cost the Government about £6,000, but unfortunately the Treasury had said that there was no money available at that moment. Therefore, Sir, the delay was entirely the responsibility of the Treasury, and not of my Ministry.

Mr. Malinda: Mr. Speaker, Sir, in view of the urgency of this Bill, to be introduced in this House, will the Assistant Minister assure this House that as soon as this Bill has been printed he will seek the leave of this House to introduce it for debate before the forty days which are normally required?

Mr. Oloithitip: Mr. Speaker, Sir, I said that the Bill is about ready and it will be brought next week to our Ministry and those members in that committee will sit down and if they think it is fit that it should not be laid for forty days, then it will be their choice.

The Speaker (Mr. Slade): We must go on now. Before the next order, I think, Dr. Waiyaki, you had a personal statement to make?

PERSONAL STATEMENT

ADVERTISEMENTS FOR APPOINTMENTS TO THE PUBLIC SERVICE

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, in answering a supplementary question to Question No. 913 on 3rd March, asked me by the hon. Mr. Ngila, the Member for Kilifi South, I wrongly stated

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[The Assistant Minister, Vice-President's Office] that an advertisement in the Official Gazette called for applications for posts in the Kenya Government by persons of African origin only. I also contended that a similar advertisement had appeared in the *East African Standard*. It has recently been brought to my notice that, in fact, such advertisements did appear in the said publications and, therefore, Mr. Speaker, Sir, I wish to correct the information I gave to the House on the 3rd March. The Government wishes to correct the imbalance on racial lines in the composition of the Civil Service that it inherited from the previous Colonial Government. A Kenya citizen of African origin will, in effect, be given preference when all other things are equal and there will be no lowering of standards.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

RACIAL DISCRIMINATION IN PUBLIC APPOINTMENTS

The Speaker (Mr. Slade): Order, order. I have to inform hon. Members that I have had notice from Mr. Pandya of his desire to raise on an adjournment the same matter: that is, the matter of racial discrimination in public appointments, related to the question to which the hon. Member has just referred. I have appointed the close of business next Tuesday, 30th March, for Mr. Pandya to raise that matter.

PRICE OF LAND IN KENYA HIGHLANDS

I have also had notice from Mr. Masinde of his desire to raise on an adjournment the matter which was the subject of Question No. 879: that is, the price of land in the Kenya Highlands. I have allotted Wednesday, 31st March, at the close of business, for him to raise that matter.

BILLS

(Consideration of Senate insistence on their amendments)

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

The Speaker (Mr. Slade): Since this is the first time we have had to deal in this House with amendments which the Senate insists upon after rejection by this House, I would remind hon. Members of what I said when I reported this instance two weeks ago, as to the procedure which now follows.

I think the right procedure is for the Minister concerned to move as a matter of fact that

these amendments be again considered; but on that Motion there can be an amendment moved, either that the consideration be postponed for six months or that the Bill be withdrawn altogether. Unless hon. Members wish to propose one amendment or the other, then the consideration should be carried and we move to the question of agreeing or disagreeing with the Senate amendments. I then propose the question that the House agrees with the Senate amendments, and the House can agree or disagree. If the House disagrees, the House can still propose an alternative amendment. If we find ourselves in the end disagreeing with the Senate and not being prepared to withdraw the Bill or postpone the consideration, or even if consideration is postponed, it is open to any hon. Member to move that the matter be referred to a Joint Committee of both Houses, and on that Motion the question is put without debate. I understand in this particular matter—the Kenya Meat Commission (Amendment) Bill—the Assistant Minister for Agriculture would like to delay the Motion for consideration for a matter of a week on account of discussions now pending between him and representatives of the Senate, in the hope that when it does come before this House it will be plain sailing.

That is so, is it not, Mr. Osogo?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): That is so, Mr. Speaker.

The Speaker (Mr. Slade): So we will have it on the Order Paper next week?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Yes, Sir. Thank you.

(By leave of the House consideration was deferred)

(Consideration of Senate insistence on their amendment)

THE CEREALS AND SUGAR FINANCE CORPORATION (AMENDMENT) BILL

The Speaker (Mr. Slade): Mr. Mboya, you are moving that the Senate amendment be again considered?

The Minister for Economic Planning and Development (Mr. Mboya): Yes, Sir.

The Speaker (Mr. Slade): It would be helpful if, in moving, you could remind the House of exactly what amendment we are dealing with.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I

[Mr. Aremam] Minister will agree with me that the Turkwell/Keritor Road to Lodwar is cheaper than the one from Kitale to Uganda, which is more than 500 miles and this one is about 300 miles. Can he agree with me?

Mr. Bonnett: Mr. Speaker, Sir, I may agree, but that does not help at all, because as I said, if this project had been given by the provincial authority as being of priority over others from Rift Valley, definitely we would have considered it.

Mr. Ekitella: Mr. Speaker, Sir, I just want to know if the Minister could tell me straight-off, how many miles it is from here to Lodwar, 610, and could you please, coming back—

The Speaker (Mr. Slade): Order, order! Mr. Ekitella, you have to remember to address the Chair. You must not address hon. Members direct.

Mr. Ekitella: Mr. Speaker, Sir, could he tell me instead of going into Uganda, could he just take a cross road from Nakuru to Lodwar, instead of using a lot of money?

Mr. Bonnett: Mr. Speaker, Sir, that may be the case but I hope that in the future the Rift Valley Provincial Authority will be in a position to recommend this as priority and definitely we will sympathize with it.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, he has already told the House that he takes the advice of the Central Road Authority and at the same time he takes the advice of the Rift Valley Road Authority, could the Assistant Minister assure this House that the intention of Government is to develop those areas which were neglected by the previous Government, and for that matter this road deserves the first priority other than relying on what the Rift Valley Authority think?

Mr. Bonnett: Mr. Speaker, Sir, the Rift Valley Provincial Authority has a representative elected by the people from Turkana and also in the road authority we have a representative from the Rift Valley who sits on behalf of the Rift Valley, and if they feel that this project deserves priority, we will always consider the fact. This is only one of thousands of applications that need the limited funds from Government.

Mr. Tanuli: Mr. Speaker, Sir, would the Assistant Minister tell the House which road in Turkana has been given priority?

Mr. Bonnett: Mr. Speaker, Sir, there is a priority list drawn up by the Rift Valley Provincial

Council Authority and in that list, which was sent by the Rift Valley Provincial Authority there is no road from Turkana.

NOTICE OF MOTIONS FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 972: BRIDGE LINKING NORTH AND SOUTH TURKANA

Mr. Ekitella: Mr. Speaker, Sir, in view of the unsatisfactory answer from the Assistant Minister, I would like to raise this matter on an adjournment.

The Speaker (Mr. Slade): You will remember, Mr. Ekitella that you have to give me written notice.

ORAL ANSWERS TO QUESTIONS

/Question No. 975

BRIDGE ACROSS RIVER NZOIA

Mr. Odero-Sar asked the Minister for Works, Communications and Power if he could tell the House what preparations the Government had made to build a bridge across River Nzoia to connect North Ugenya with Buholo Locations in Ugenya Constituency.

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): Mr. Speaker, Sir, I beg to reply, and the answer is exactly the same as I have given to the hon. Mr. Ekitella, that is that this project was not included in the Nyanza and Western Provincial Authorities list of priorities.

Mr. Odero-Sar: Mr. Speaker, Sir, is the Assistant Minister aware that the Regional Assembly, Nyanza Region, proposed to place a bridge across Nzoia River to connect Buholo with Ugenya and how he is to answer that?

Mr. Bonnett: Mr. Speaker, Sir, I have a list in the office of these priorities given by Nyanza and Western Province Authorities and I can show it to the hon. Member if he wishes to see it, and this is not in at all.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Assistant Minister tell this House whether, he has contacted his officers at the Nyanza Region concerned and whether he has been told that this particular bridge needs priority or not?

Mr. Bonnett: Mr. Speaker, Sir, it was only a month ago that the first meeting of the Road Authority sat and the Chairman of the Works Committee in the Nyanza Province was actually at this meeting and he never brought it up at

[Mr. Bonnett] in fact, even in the list supplied by the Nyanza Provincial Authority, it is not included at all.

Mr. Kase: Mr. Speaker, Sir, I being a member of this road authority, as if the Assistant Minister is aware that all the estimates brought by the various provinces were rejected by this authority and were referred back?

Mr. Bonnett: Mr. Speaker, Sir, they were not rejected at all.

Mr. Shikuku: Arising from the Assistant Minister's reply, would he tell the House why nothing is being done about these roads?

Mr. Bonnett: Mr. Speaker, Sir, I would be interested to know which one the hon. Member is referring to.

Question No. 997

DIFFERENT PASSENGER CLASSES ON RAILWAYS

Mr. arap To asked the Minister for Works, Communications and Power if—

(a) the different classes of passenger travel on East African Railways was originally designed to provide separate classes for each race;

(b) if so, had the Minister made representations to the appropriate authority to introduce some other systems which avoided the possibility of any such discrimination?

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): Mr. Speaker, Sir, I beg to reply. No Sir, the different classes were designed to cater for the various income groups living within East Africa.

The answer to the second part of your question is that no discrimination is applied. Accommodation at the various classes is available irrespective of race subject to the passengers' willingness to pay the fare appropriate to the class.

Mr. arap To: Arising out of that reply, Sir, will the Assistant Minister assure this House that he is going to improve the standard of the hard wooden seats in the third class carriages?

Mr. Bonnett: Mr. Speaker, Sir, I have the pleasure to inform the hon. Members in this House that actually this is the case and that the authorities of the East African Railways and Harbours are very conscious of the need to provide a better standard of comfort for the passengers in the lower income bracket of the community.

There is of course, a limit to what can be done, if raising the cost of passenger fares is to be avoided. The East African Railways and Harbours are in the process of converting third class seats from the present hard type to padded ones.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Minister's replies where he said that he had no such classes, could he agree with me that today in some of the coaches on the East African Railways there are marked on toilet doors "Europeans" or "Non-Europeans", is this not discrimination?

Mr. Bonnett: Mr. Speaker, Sir, for want of a better solution, past practice has been to differentiate people labelling these toilets as European type and non-European type, but such discriminations are now being altered to Eastern type and Western type.

Mr. Oduyo: Mr. Speaker, Sir, may I know one simple thing from the Assistant Minister, why in third class coaches you always find the toilets marked for "Women Only"? Where are the ones for good African men?

Mr. Bonnett: Mr. Speaker, Sir, I am not aware of that. All I know is that there are toilets for men only.

Question No. 866

HOSPITAL AT MITTO ANDEI

Mr. Nalle asked the Minister for Health and Housing when he intended to provide a hospital at Mitto Andei to serve the people of the Southern Division?

The Minister for Health and Housing (Mr. Otende): Mr. Speaker, Sir, I beg to reply. My Ministry intends to provide medical facilities at Mitto Andei to serve the people of the Southern Division when funds become available. If it is not possible, at this time, to do so or to indicate when this will happen, because the requirements of medical services are considered on a country-wide basis and this priority is determined on several factors, including the density of population and the availability of other medical centres with regard to distance. The area around Mitto Andei is very sparsely populated and there are alternative places where medical facilities can be found in that area.

Mr. Nalle: Mr. Speaker, Sir, could the Minister tell me how one or two of the places where medical facilities can be found?

Mr. Otende: Machakos, of course, Machakos is the centre of the district, but there is Makindu

Mr. Rurumban: Mr. Speaker, Sir, will the Assistant Minister tell the House the total number of applications made by Samburu people? We want to know the total number of applications made by the Samburu people and which were rejected?

Mr. Ghilzpllor: Sir, I said in my previous reply that there was no Joint Loans Board in Samburu District and therefore there were no applications received last year.

Mr. Ekitella: Mr. Speaker, on a point of order, Sir, I want to emphasize this. We have just been speaking about Samburu and I am pretty sure that most of Samburu and Turkana, if mixed together— Could you tell me—

The Speaker (Mr. Slade): Order. No, Mr. Ekitella. I have warned hon. Members so often about the importance of rising on points of order only when they are proper points of order. Other Members have suffered the penalty of having to leave the precincts for raising points of order which are not points of order. The House has been very patient with Mr. Ekitella. I have often asked Mr. Ekitella to study the meaning of point of order before he raises one. He does not appear to have taken my advice. He is still raising points of order which are nowhere near points of order. I have to warn him now that the next time he does this, he will be ordered from the precincts of the House.

Question No. 957

RESERVED SEATS ON THE MOMBASA MUNICIPAL COUNCIL

Mr. Omar asked the Minister for Local Government if he was aware that, out of the eighteen Mombasa Municipal Council seats, six seats were reserved for landlords. If the answer was in the affirmative, what steps had the Minister taken to make it possible for the six seats to be open to any registered voter on the council?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Minister for Local Government, I beg to reply. Mr. Speaker, Sir, I am aware that the Constitution of the Municipal Council of Mombasa provides that six of the eight elected seats shall be ratepayer seats. In order to declare these seats open, it would be necessary for me to amend the Constitution of the Municipal Council of Mombasa.

I would add that no representation has yet been made to me on this subject.

Mr. Omar: Mr. Speaker, Sir, arising from the reply by the Minister that no representation has been made to him about the six seats which are reserved for the landlords, is he not aware that the majority of Mombasa Municipal Councillors wrote a letter and signed it and sent it to the Ministry concerned, asking that the reservation of the six seats for the landlords should cease immediately?

Mr. Mboya: No, Sir.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, could he tell the House whether the Mombasa Municipal Council has special conditions whereby its constitution is approved only by its council and not by the Minister?

Mr. Mboya: I never said anything of the sort, Mr. Speaker; the hon gentleman was obviously not listening to me.

Mr. Jahazi: Mr. Speaker, Sir, since the Minister is overall commander of this Ministry, can he not change something if he sees it needs to be changed, rather than wait for representations from such a municipality?

Mr. Mboya: Mr. Speaker, I do not believe that we want to engage in change for the sake of change; we want to change things if such a change improves the situation. The people on the ground will be better informed on the subject; and if they make representations, these will be considered.

Question No. 966

RECRUITING OF MAGISTRATES

Mr. Ngala-Abok asked the Attorney-General— If he would—

(a) tell the House whether he had any plans to recruit magistrates and judges from other African countries to replace the large number of expatriates in this country;

(b) give details of how he intended to Africanize his department.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

(a) There are no plans for recruiting magistrates and judges from other African countries to replace expatriate officers in this country.

(b) My intention is to Africanize my department with Kenya Africans.

Mr. Masinde: Mr. Speaker, Sir, arising from the Attorney-General's reply, could the Attorney-General assure us that by recruiting other African magistrates in this country it will be more expensive than employing these expatriates who are employed in his department?

Mr. Njonjo: I am not quite sure I follow the question, Mr. Speaker.

The Speaker (Mr. Slade): Would you like to repeat your question, Mr. Masinde?

Mr. Masinde: Yes, Mr. Speaker. I want the Attorney-General to assure this House whether it is more expensive to employ Africans from other African states to work in his department than to employ the expatriates who are now in his department?

Mr. Njonjo: It is more expensive in one way or another.

Mr. Makokha: Mr. Speaker, Sir, may I know from the Attorney-General whether or not Africans from countries other than Kenya are not expatriates?

Mr. Njonjo: That is precisely the point. They are expatriates.

Mr. Pandya: Mr. Speaker, Sir, in reply to (b) the Attorney-General did say that he proposes to Africanize the department with Kenya Africans. Does he include in the Kenya Africans, citizens irrespective of race or colour?

Mr. Njonjo: The intention, Sir, or the general policy of the Government, in particular my own department, is to balance the racial imbalance which still exists.

Mr. Kahi: Mr. Speaker, Sir, would the Attorney-General assure this House that his intention is to Africanize top posts in his Ministry? Can he tell the House how many Africans are now understanding the top posts in his department?

Mr. Njonjo: I am surprised, Sir, that I should be asked that question because all the top posts in my department are already Africanized, and if the hon. Member wants us to Africanize Africans!

Mr. Waribibi: Mr. Speaker, Sir, arising from the Attorney-General's reply, he has said that it is the intention of his Ministry to Africanize the department. Can he tell the House the programme he has for training Africans to take up posts as magistrates or judges?

Mr. Njonjo: Mr. Speaker, Sir, this is a very interesting question coming from an hon. and

learned friend. There is no training to be given to a person who has qualified as a lawyer to be trained as a magistrate. This should be well known to him from his experience sitting on the Bench. There is no training anywhere in the world whereby you can train a magistrate or a judge to be a magistrate or a judge.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, since the supplementary questions to my question have no information and it is unlikely I will ask a supplementary question, will it be in order for you to allow me to ask the Attorney-General to explain No. (b) part of my question as I see that the Attorney-General is not up to date in answering this question. I asked—

The Speaker (Mr. Slade): No, Mr. Ngala-Abok. You cannot work in a supplementary question as a point of order. We will go on to the next question.

Question No. 972

BRIDGE LINKING NORTH AND SOUTH TURKANA

Mr. Ekitella asked the Minister for Works, Communications and Power whether the Government was prepared to build a bridge across the River Kerio and River Turkwell to link North and South Turkana.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): You can do that, but you should not say so in the middle of the next question. It is not necessary to mention your intention at all; but if you wish to do so, you must do so before we move on to the next question.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti): Mr. Speaker, Sir, I beg to reply. The Government has made no provision for building bridges over these rivers as no proposals for them have been included in the list of priorities for road works recently submitted to my Ministry by the Rift Valley Provincial Authority. In the selection of priorities, I take heed of the advice given by the Central Road Authority on which this province has a representative.

Mr. Araman: Mr. Speaker, Sir, before we go on with the question we must correct this somewhere. It is not the River Tenkil, but the River Turkwell. The question is, whether the Assistant

[Mr. Mboya]

Only in cases where there is evidence that the help of the Ministry is required, am I prepared to consider appointing a commission of inquiry, and in this case I am saying that only in the case of the works department was there enough evidence to warrant intervention by the Ministry. In the case of the other departments, it was still necessary for the local authority itself to go into the process and produce further evidence before intervention would be justified.

Question No. 947

PERMANENT CHIEF'S OFFICE: SOUTH UGENDA

Mr. Odera-Sar asked the President what the reasons were for not building a permanent office for the chief in South Ugenya?

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I beg to reply. There has not been sufficient funds to build permanent offices in all chiefs' centres in the country. However, plans have now been drawn up for all the chiefs' centres where permanent offices are required and for South Ugenya, the Provincial Commissioner, Nyanza, has put in a bid for £2,000 for an office and tribal police lines. This is now being included in the 1965/66 Estimates.

Mr. Glehoya: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the Government is taking into consideration chiefs' offices all over the country, would the Assistant Minister assure this House that in places where there are mud houses for the chiefs, permanent houses are going to be included in the coming financial year's estimates?

Mr. Nyamwaya: Mr. Speaker, Sir, I do not wish to be drawn away from the question here which deals with a permanent office for the chief in South Ugenya.

Mr. Ekitelli: Mr. Speaker, Sir, I would just like to know from the Minister concerned in this, is he ready to put up permanent offices for all chiefs in Turkana and the rest of the districts?

The Speaker (Mr. Slade): I think the Minister was quite right in saying that he was not going to be drawn away from the question of South Ugenya.

Question No. 950

TEACHERS' PROMOTIONS

Mr. Odera-Sar asked the Minister for Education if he was aware that in many schools promotions of teachers was based on the passing of examinations and not on hard work?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The Minister is aware that promotion of teachers is mainly dependent on passing appropriate examinations which cannot be passed without hard work. However, a teacher who has not had a chance of passing the examinations may still gain promotion when the Ministry is satisfied that such promotion is merited on grounds of demonstrable distinguished work done by the particular teacher.

Mr. Khasakhala: Mr. Speaker, Sir, arising from that reply, is the Minister aware that there are some people who have passed K.P.E., who have taught for many years and who have not been awarded certificates?

Mr. Mutiso: Mr. Speaker, Sir, if I may enlighten the Member who is asking this question, I would like to add that promotion of teachers, in this context, is understood to mean translation of a teacher from one grade to a higher grade and does not include the selection of a teacher to become a headmaster or anything of that kind.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister not agree with me that a teacher who has passed K.P.E. and who has been practising as a qualified teacher for several years is due for promotion above T3?

Mr. Mutiso: Mr. Speaker, I have just said that this is dependent on the capability of that particular teacher, having passed the examination which is necessary.

Mr. Omari: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, could he tell the House the method used by his Ministry to know whether a teacher is a hard worker or not, and that he qualifies for promotion?

Mr. Mutiso: Mr. Speaker, Sir, if the hon. Member was listening when I answered that question, I said that promotion does not depend on the examination alone, it is also dependent on the hard working of the teacher through having done his own examinations, and that shows that that particular teacher is working hard and he can, therefore, be promoted.

Mr. Kamurea: Arising out of the Assistant Minister's reply, is he aware that this particular promotion examination has failed some of the teachers who have been efficient in their work for years and years?

Mr. Mutiso: We are not aware of this.

Mr. Makoner: Mr. Speaker, Sir, will the Minister tell us the number of teachers who have been promoted on the merit of their hard work?

Mr. Mutiso: Mr. Speaker, Sir, this question did not say that figures would be required, and I would like to be given notice on this particular point.

Mr. Choger: Mr. Speaker, Sir, we would like to be given one particular example where teachers have been promoted because of their hard work, and not because of an examination?

Mr. Mutiso: Mr. Speaker, Sir, I do not know what the hon. Member wants, but I have just said that if it is only the question of those who have been promoted on the grounds of hard work, I would like notice of this, and I will then give the answer to the House.

Mr. Khasakhala: On a point of order, Mr. Speaker, will the Assistant Minister withdraw his previous statement if he cannot give us an example?

The Speaker (Mr. Slade): Order. I think the Assistant Minister must be given an opportunity of finding out facts. As he said, he could not necessarily expect to be asked for details on a question of this kind, yet if he can satisfy hon. Members by subsequent evidence, that there is a single case of the kind alleged, that will be in order.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, I stand for your guidance on this matter. If the Minister has made a detailed statement definitely saying that there are teachers in Kenya who are promoted on merit and good work, why should he be given time when he has not given details for substantiation?

The Speaker (Mr. Slade): I have told the House why, Mr. Ngala. If he had been asked to state the policy, he did not expect to be asked for details of particular cases. He must be given time to add evidence to support his answer.

Question No. 955

JOINT LOANS BOARD FOR SAMBURU

Mr. Rurumban asked the Minister for Commerce and Industry if—

(a) the Minister would tell the House why a Joint Loans Board had not been set up in Samburu District; and

(b) if the Minister was aware that no single trader in Samburu District had ever received a loan of more than Sh. 5,000.

The Assistant Minister for Commerce and Industry (Mr. Oloitipiti): Mr. Speaker, Sir, I beg to reply.

(a) A Joint Loans Board was established in Samburu District as long ago as 1961. This board issued fourteen loans, but due to the small amount of money available has not been able to issue any new loans during the past year. The operation of the Samburu Joint Loans Board became the responsibility of the old Regional Authorities who took steps to reform the board, but this was never done. As responsibility for traders' loans has once again reverted to my Ministry, I am taking steps to re-establish the Samburu Joint Loans Board.

(b) I am aware that no loan has been issued in Samburu over Sh. 5,000. The majority of loans issued were of Sh. 2,000, which the board considered adequate to stock the small shops with the requirements of the local people. There is no reason why loans of over Sh. 5,000 should not be granted in the future should the board find it desirable to do so, subject to funds being available.

Mr. Masinda: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell us who make up this Joint Loans Board, and are some of the traders, local traders, represented on this Joint Loans Board?

Mr. Oloitipiti: Mr. Speaker, Sir, I think the Member is aware of how this Joint Loans Board is made up. It consists of three representatives from the Government and three representatives from the county council which the local people themselves choose, Sir.

Mr. Shikuku: Mr. Speaker, Sir, I have two questions to ask: May I ask one first and then ask the other?

The Speaker (Mr. Slade): You can ask one, but you will not necessarily be allowed to ask the next one. Ask the one you value most first.

Mr. Shikuku: Arising from the Assistant Minister's reply, is he quite satisfied that the fourteen loans in Samburu District were enough?

Mr. Oloitipiti: Mr. Speaker, Sir, the Member knows that the Ministry of Commerce cannot provide sufficient money to meet all the demands for traders in the country. But, Sir, the sum of money which was allocated to Samburu was the money available at that time. I have said in my reply that that is now past. All I am doing now is to re-establish the Joint Loans Board, and I am giving them Sh. 20,000, straightaway to start with.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): On a point of order, Mr. Speaker, that is an allegation, and I do not know whether I am in order to ask if the hon. Member can substantiate his allegation, because it is an allegation against a civil servant.

The Speaker (Mr. Slade): You are in order to ask him to substantiate certainly; and you, Mr. Oduya, must withdraw it if you cannot substantiate it.

Mr. Oduya: Yes, I withdraw.

Going further, we are just wasting minutes now, the Minister said further that there was a programme for Members there. The things that they want Members to go and say are only of one kind. A Member is asked, "What have you done for your people?" What can a Member say? A Member is not the Government. The Member is left to say, "Oh, we are backing our Government, the Government is very nice, they are doing very well now, we are closing down" and that is all. If the Member says anything—That is why I have been refused permission to go there because they know my language. If a Member says anything which is contrary to the Government, saying, "We have told the Government to do this and do that . . ."

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): On a point of order, Mr. Speaker, is the hon. Member correct in saying that he has been refused?

The Speaker (Mr. Slade): You can ask him to substantiate.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): I will ask him to substantiate.

Mr. Oduya: All right. The Minister has made it clear that—the Voice of Kenya comes here and goes—I remember at one time I asked one of the officers here, "Can I be admitted?" and he said, "No, we have already got a long list covering Members and we cannot have you at this time." Sir, a full year has gone by and I have never been told I can go. It is a shame.

So, Mr. Speaker, this is a very clear thing. At one time I could tell my people that I told the Government to do such and such a thing. But up

to now all these programmes that I have put before the Government have never been considered by my people because they are never broadcast by the Voice of Kenya. So when we talk in this House, we must know that the Voice of Kenya, which is the governing part of the Press, is democratic, not to be a sort of Voice of Ministers, it should be the Voice of the People and of all Members of this House.

So, Sir, with these few remarks, I hope the Minister is going to behave otherwise we must press the Minister to resign or else action will be taken.

ADJOURNMENT

The Speaker (Mr. Slade): We have adjourned the end of our half-hour and I therefore reach the House until tomorrow, Thursday, 25th March, at 2.30 p.m.

The House rose at Seven o'clock.

WRITTEN REPLY TO QUESTION

Question No. 1003

ROAD VERSUS RAIL COMPETITION

Mr. Ochwada asked the Minister for Works, Communications and Power if he was aware of the pressure from road transporters to determine the railway services for the transportation of goods. If so, what plans had the Ministry got to assist the East African Railways and Harbours to maintain their services, especially after the following roads have been tarmed: Leseru to Malabar; Kiganjo to Nanyuki; and Nairobi to Mombasa.

REPLY

The Minister for Works, Communications and Power (Mr. Mwanjumba): In my address to the Transport Licensing Board on the 1st April 1964, I made it clear that the Railway's Differential Tariff must be protected and the boards must give full consideration to the relevant legislation which controls the issue of goods licences. The Transport Licensing Board is carrying out its functions with due regard to the requirements of the law, and the railway is therefore adequately protected.

Thursday, 25th March 1965

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

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

PRAYERS

NOTICE OF MOTION

GOVERNMENT TAKE OVER OF LUMUMBA INSTITUTE

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

That this House being grateful to the donors of the Lumumba Institute, urges the Government to firstly, take over the Lumumba Institute immediately and place it in the hands of the Minister for Education like any other education institute.

Secondly, to dissolve the Board of Governors of the Lumumba Institute, and give the Minister for Education the mandate to appoint a new board consisting of persons who have no political commitments.

ORAL ANSWERS TO QUESTIONS

Question No. 933

SALARY INQUIRY: EMBU COUNTY COUNCIL OFFICIALS

Mr. Mbogohi: Mr. Speaker, Sir, there is something omitted here. Where it says the "salaries of its officers", I meant of Embu County Council.

The Speaker (Mr. Slade): I hope that the Minister has realized that.

Mr. Mbogohi asked the Minister for Local Government when, arising from the Minister's reply to his question last year regarding salaries of the officers of Embu County Council, where he said he would set up a committee of inquiry, would the Minister report to this House the findings of this committee.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply on behalf of my colleague, the Minister for Local Government.

My Ministry did receive a request from the County Council of Embu that an inquiry should be carried out into the efficiency of all departments of the council. At the same time, the council did not produce evidence that they suspected inefficiency in departments other than the works department. It must be appreciated, as I stated in my answer to the hon. Member's previous question, that I am not prepared to order

an inquiry into a council's affairs unless I am convinced that such an inquiry is necessary. If the members of the council feel they have cause for concern, and, can give definite examples of serious inefficiency—irresponsibility or lack of financial control, then in the light of the evidence they produce, I will consider whether or not an investigation needs to be carried out.

An investigation into the efficiency of the council's work's department was undertaken on the 2nd and 3rd of November 1964, and this investigation did reveal an unsatisfactory state of affairs. As a result of the investigation officer's report, I directed that the council's works supervisor should be dismissed with effect from 31st December 1964 on the grounds of inefficiency and incompetence and that the district roads supervisor be compulsorily retired on the same date.

Mr. Mbogohi: Mr. Speaker, Sir, arising from that reply that the council gave the Ministry the mandate to investigate the inefficiency of every department, did the Ministry expect any other body to come and to give them the mandate to investigate so that they may see that the council's work that needed investigations was not decided?

Mr. Mboya: Mr. Speaker, Sir, the question is not clear. The only department concerned was the works department and I have stated what course of action was taken.

Mr. Mbogohi: Mr. Speaker, Sir, the question here again is whether, during the reply to that question the Minister said that he would consider taking this action of investigating every department if the council gives him the mandate to investigate, but now when they went to investigate they only investigated one department and ignored the rest of the departments. First of all, I would like to know what satisfaction did they get that enabled them to discontinue the investigations of the other departments?

Mr. Mboya: Mr. Speaker, there is no question of mandate involved. What I have said in reply is that the council need to give evidence that there is cause for intervention by the Ministry. If we were to comply with each and every request without first ascertaining that an inquiry is fully justified, the officers of the Ministry would be employed full time in carrying out such investigations, a great number of which would prove to be unjustified. If local authorities are to be responsible for this, they must, in the first place, be able to manage and organize their own affairs, and carry out their own investigations if they are considered necessary.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): In their activities in the House, their activities in the country life and what they have done for the country since they were elected to this House. It is, I think, the duty of the Parliamentary Group and of Back-benchers to choose who is to go to the Voice of Kenya and appeal or talk to the nation. Those who have not availed themselves of this opportunity, have, in fact, failed in their duties because there are facilities and opportunities for doing so. I can see that up in the gallery there is a representative from the Voice of Kenya who writes a report of the deliberations and discussions in this House, a report, of course which will have to appear tonight in the programme "Today in Parliament."

This, in fact, has not been appreciated by Members themselves. When Members make these allegations, they will have to consider one thing, that some of them—and maybe the Mover himself, though I am not specifically referring to him—when we had the conference of the Organization for African Unity were trying to prevail upon the Ministers, saying, "Why did you give so much publicity to Tshombe? Why do you allow the Press in Kenya to call our nationalist fighters in the Congo criminals or outlaws and things like that?" Sometimes, Mr. Speaker, the Members themselves come to the Government and blame the Government for having given publicity to Tshombe, and then on the other hand they say, "We want freedom of the Press." Government has already said that in our Constitution, clause 23, freedom of the Press is assured. It is not just a question of freedom of the Press, it is not just a question of privilege, but it is a right and a right of the Kenya people.

Mr. Speaker, Sir, I thought that the hon. Members were going to bring some details and factual—

Mr. Malsori-Inumbo: On a point of order, Mr. Speaker, is the Minister implying that hon. Members are as evil as Tshombe?

The Speaker (Mr. Slade): That is not a point of order. You must be more careful with your points of order, you know.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): I do not want to be interrupted on this because this pressure on the Press is a very serious allegation, because it challenges the right of the individual, the right of our people. I paid very serious attention to this and I would like to explain everything in detail. But I thought that hon. Members were going to bring instances and say

that on such and such a day, such and such a thing happened. I was waiting to hear Members mention that on such and such a day an incident occurred, and a Minister of the Government, a senior official of the Kenya Government or a reporter, for that matter, told me, etc. Members must mention this in this House because we must substantiate whatever we say. One cannot just bring accusations and allegations against the Government by trying to hide behind—

Mr. Anyieni: On a point of order, Mr. Speaker, the hon. Minister is trying to misrepresent me because when I stood up I mentioned specific cases. The Minister is now saying that we did not bring specific cases. I think, Mr. Speaker, that the Minister should be able to—

The Speaker (Mr. Slade): Order! You cannot use a point of order to make a point of clarification, Mr. Anyieni. We have heard what you said and what you did not say.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Speaker, Sir, the hon. Member who has stood up mentioned a case where somebody alleged that he had been shot and he sent his statement to the Press. In fact, Mr. Speaker,—

Mr. Odunya: On a point of order, Mr. Speaker, I hope you will excuse me, I am only want your direction on this point. We normally take about five minutes, and the Minister is now talking about something new, so could we be given time in this five minutes to reply, because he is taking the whole twenty minutes? It is nonsense.

The Speaker (Mr. Slade): Standing Orders are perfectly clear on this. We are allowed half an hour altogether for discussion of this, and every Member is limited to ten minutes. The Minister has not had ten minutes yet. The only exception I make is if a Member is interrupted so much by points of order that he cannot get in his full ten minutes; then I might give him a minute or two more. I think I may have to give the Minister that.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Thank you very much, Mr. Speaker, Sir.

In fact here the hon. Member for Majoge-Baini mentioned someone who, he alleged, was shot and he said that he had reported this to the Ministry of Home Affairs. Now when reports of that nature reach the Ministries they must be checked, because the country must be fully informed and correctly informed. Therefore our Press is really responsible. When they get a report and they get a lot of

[The Minister for Information, Broadcasting and Tourism] reports, they know they must check with the Government, they must check with the Police, whether such an incident which is reported is correct or not.

Therefore it is all wrong to say that there was pressure on the Press not to publish what the hon. Member had alleged.

I know that some Members here will say something like, "Oh, So-and-so spoke and he spoke in the presence of a Minister . . ." Oh, yes, according to one's own judgment, a Member will consider that he speaks better than a Minister because he is also a Member of Parliament. There is no question about that, Mr. Speaker, Sir, I do not want to share a platform with anybody because when the platform was vacant I was there when the Members who are challenging me were not in existence. Well in politics anyway.

The Speaker (Mr. Slade): Order! We cannot waste our time with too much noise.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Speaker, Sir, I would also like to challenge the Members but if they think the Press is not doing very well, I think it is high time that the Press—

The Speaker (Mr. Slade): Order, order! I am asking hon. Members to keep calm and give us a chance of hearing what is said.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): I am also challenging Members—

Mr. Sol: On a point of order, Mr. Speaker, is it in order for the Minister not to be calling us "hon. Members", because he is saying just "Members" all the time?

The Speaker (Mr. Slade): I think it is important for the Minister to remember.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Speaker, Sir, I am only prepared to use the words "hon. Members" when Members show themselves to be loquacious.

The Speaker (Mr. Slade): Oh, no, Order! Just because there is a tendency to heat on the part of the Members, we must remember good manners and stick very closely to them; the greater the heat, the greater the necessity for care in addressing the Chair and in referring to hon. Members as hon. Members.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Speaker, I wanted to suggest the hon. Members that there is a way open and this is a practical way of doing things. Probably they may be accusing the Government for nothing because of lack of technical knowledge of the running of a newspaper. It must be realized that there are so many things to be considered. A commercial paper must consider whether news is of value, and that is whether it is marketable. If the Members are not satisfied, I know I can see across from me a few Members who have been in the Press world, then the best thing is to start a paper for themselves and see how they can run it. I am not saying that there must be freedom of the Press without any interference whatsoever.

The Speaker (Mr. Slade): Your time is up, Mr. Onoko.

Order! I have already allowed Mr. Onoko another two minutes because of interruptions and his time is finished now.

Mr. Odunya: Mr. Speaker, Sir, the Minister has been given time and he has just been beating about the bush, without giving us the correct answer that we wanted. He has not replied exactly to what the hon. Member for Majoge-Bassi said.

Another example is about our meeting when our hon. Chairman of the Back-benchers' Parliamentary Group and all other hon. Members like the hon. Mr. Kaggia and the hon. Mr. Gichoya here were all present and they spoke and the Minister's own Ministry was represented; and there was not even a single thing mentioned by that particular Ministry on the Voice of Kenya.

An hon. Member: Cheap!

Mr. Odunya: There is no democracy in that.

The second point, Mr. Speaker, as this House will remember, is that one time we moved a Motion in this House warning the Government vigorously on this attitude of Ministers going to the public, collecting money unnecessarily. That was also there. And one of the officers of the Ministry of Information told us, a group of Members, "Well, gentlemen, we have nothing to do, our Minister telephoned to us and told us that . . . (inaudible) . . . because we can be sacked tomorrow . . . (inaudible) . . . They will not publish this sort of thing on the radio because if it appears in the papers, well, few people read the papers, but the radio covers the whole world. So they were afraid. They were instructed by the Minister himself.

[The Speaker] House. Unless Mr. Anyien could find a more convenient time to stop—and he can conserve what he has to say until tomorrow—I will call upon the Minister to move that this House do now adjourn.

Mr. Anyien: Mr. Speaker, actually I wanted to move the adjournment of the debate at about five o'clock, but now the time is finished, which is the point of my moving adjournment? I have started speaking, and I will continue speaking tomorrow.

MOTION FOR THE ADJOURNMENT

PRESS STATEMENTS BY MEMBERS OF PARLIAMENT

The Speaker (Mr. Slade): I will now call upon the Minister to move that the House do now adjourn.

The Minister for Information, Broadcasting and Tourism (Mr. Achings-Onoko): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

Mr. Anyien: Mr. Speaker, it will be remembered that a question was asked in this House in connexion with the Press. The Minister tried to give us replies, but we were not satisfied and I am not going to say much on this. I am not the only hon. Member who has been frustrated in this respect. I would like to give two or three examples where the Government has been putting pressure on the Pressmen who want to publish statements by the Members of Parliament.

Mr. Speaker, at one time there was somebody in my area who was shot through the head by the tribal police. I wrote letters to the Ministry concerned, the Ministry of Home Affairs, but I did not have a reply. So I decided to write an open letter. I sent a copy first to the Press and before I had sent one to the Ministry concerned, I had a telephone call from the Ministry of Home Affairs saying that I must go to the Ministry quickly. I went there and I found that the Press had already informed the Ministry of the contents of the letter. The Ministry demanded that I withdraw the statement which I had given to the Press. This is one of the examples of the pressure under which the Press people have to suffer.

Mr. Speaker, when we went to the Coast, some of the hon. Members—one was the hon. George Oduya—made speeches. His was especially good and the people were pleased. When one of the Pressmen was asked why this speech was not published, he said that the Government would not be very happy if it was published. That is why they did not publish it.

There was another case in the hon. G. G. Karuki's area in Nyari. The Minister for Information spoke and some hon. Members spoke. The only person who was reported was the Minister for Information. One of the Members who spoke caused the people to clap and clap because they were very pleased and he was not reported, he was not on the radio. We want to know whether these people who are appointed as Ministers are the only people who are supposed to say what is happening in this country? We would like to tell our people what they would like to hear. The elected Members of this House can become Ministers, and maybe even better Ministers than the present ones. Some of the Members of this House express the ideas of the masses and they are more popular than the Ministers. The Press should be completely free.

We supported the idea of the Voice of Kenya being taken over by the Government, but now you cannot hear anybody except that the Minister for So-and-so said this and the Minister for So-and-so said that. The Press must be free. The Press is always used by the Ministers. Members who are unfortunate enough not to be made Ministers, are not heard by the public. When we make speeches in this House, even if they are very good, they are not reported; but sometimes there are stupid statements by a person who is a Minister and these are reported in the Press. The public will be against us if the Press keeps on like this.

The Government should not put any pressure on the Press people. That is the case now, and we Members do not want this to continue. The Press must be free. Some Pressmen went to a meeting which was convened by the hon. Mr. Kagga, the Member for Kaduna. They reported that there were 20,000 people at the meeting. There was another reporter who said that there was only 2,000 people. We want to know which is right. This man said that there were 2,000 people. He makes out that Kagga is not a very good man, because he only has 2,000 people attending his meeting. Therefore, he was wrong yesterday to say that there was 20,000 people. We are told to ignore the 20,000, and tell everybody that there were only 2,000 people. This is not fair. Pressure should not be put on the Pressmen.

[Mr. Anyien]

Members of Parliament must sit down and decide what we should do for the Press. They must not ignore the views of the elected representatives of the people just because they are not likely enough to be made Ministers and cannot make statements on behalf of the Government.

With those few words, I hope the Government will be able to leave the Press free and I hope the Press will be free, but we want them to be constructive.

Mr. Agari Mr. Speaker, Sir, Members have the right of thinking that when I stand up I will support the Government. Let me assure the Members that it is now obviously known in this country, all over, that the Government is putting domination and pressure on the Press, the National News Agency and others, to prevent them from publishing or from broadcasting speeches and statements made by Members of Parliament. The excuse is that Members have the right of bringing in destructive criticism. Mr. Speaker, Sir, the Government is trying to make itself a judge of which things are destructive and which are constructive. In many countries, and it should be also in our country, if a paper has published any seditious matter, both the man who wrote it and the publishers can be sued in the courts of law. If we have the courts of law, why should the Government not specify which are seditious statements or speeches by bringing these people to court? They can be convicted if they have gone against the laws of the country. Even in the colonial days, I remember, Mr. Speaker, I was editor of a paper called *Uhuru*. One day I came to this House when it was still called the Legislative Council. I had made a report in my paper on a certain Vote. I said that the Legislative Council at that time was not a Kenya Legislative Council, it was a European Community Legislative Council. I was called here to explain, Mr. Speaker. I gave my explanation. I explained that all the Europeans voted for a certain thing and all the Africans objected to it. There were only six people representing over seven million people. People representing six million people were defeated by a group representing about 56,000 people. After that explanation I was told that my opinion—nobody was interested—was very destructive and therefore I had to apologize.

Mr. Speaker, I was forced to write on the front page of the paper that I was foolish enough to say that the Government is running the same way, trying to say that any hon. Member who is not a Minister is foolish, is destructive and his statements should not be printed in this country.

Where will this end? They will say we started by denying Members freedom of speech and the Minister for Information, maybe not the present Minister, another one, will deny the Press freedom. I have already heard some Minister grumbling that even, if they give speeches, they are given in a corner.

So, Mr. Speaker, the Minister for Information must let the Press have freedom, otherwise this will lead to chaotic situations. Our people are now educated enough in the affairs of this country to see if a Member is going around and becoming destructive. They will see it at once. Let us not excuse ourselves by saying that the Africans are ignorant and therefore if we write this and that, we will mislead them. Mr. Speaker, Sir, it is very shameful to hear reporters or the people working in these offices speaking openly in public places that So-and-so sent a statement to us, but we cannot publish it. They are saying this in the open. This is very shameful. We want the Minister to know that this House upholds and wants to make sure that there is freedom of speech, freedom of expression. The Government is free, according to the law to take anybody to court who says anything destructive.

I would like this to be discussed, where our Ministers think that everybody else is wrong and it is only they who are right. This thing will become chaotic and will cheapen our country. It will make out that we are ignorant and it may be the beginning of dictatorship.

The Minister for Information, Broadcasting and Tourism (Mr. Achings-Onoko): Mr. Speaker, Sir, I will take this opportunity to thank my hon. friend, the Member for Majoje-Bassi and also the hon. Member for Karachuonyo for having brought this Motion to the House in order to express the views which the Members have very close to their hearts. I would like to be brief but to the point. I feel that what the Members allegation here means is that they are being discriminated against or there is pressure. Mr. Speaker, Sir, I would also like Members to give me time so that I can answer them by stating the facts in this House.

Mr. Speaker, these statements which are alleged to have been written, and not given publicity may include reports in the Press, on the radio and also on television. But here I have not heard the hon. Member for Majoje-Bassi mentioning or appreciating the fact that provisions have been made for Members of Parliament to broadcast to the country what their activities are—

The Speaker (Mr. Slade): Order, order! Presumably you want to hear the Minister?

[Mr. Kagala]

But, I think it is then that the Government thought of amending this section, and in fact, they removed it even before bringing it to the House, because the Government has not come back to us to approve the continuation of the state of emergency in the North-Eastern Region. Under the Constitution here, the state of emergency should have ceased on the seventh day when the Government failed to come to us for approval. The Government is really showing a contempt of this House. We should not allow the Government to play about with the Constitution of the country. The Constitution of the country is the life of the country and is the only protection for the ordinary man, and if this is removed then we do not know where the country is heading.

Now, section 71, removes the majority from three-quarters to 65 per cent. This, Mr. Deputy Speaker, deals with alterations of the Constitution. The Constitution is so important to the country, and before any change is made, it is important that the House should be satisfied. The House should support the amendment by a large majority, but is not a thing to allow that even a simple majority of sixty-five will have the right to amend the Constitution. Under the present Constitution, the Constitution is only amendable under this section with a three-quarters majority. Now, the Minister is asking us to reduce that majority to 65 per cent. I do not see the reason for this. The Government is trying to amend the whole Constitution in the way they want. I cannot see the reason why. It has always been a three-quarters majority, and if the Government can convince the House that this or that amendment is necessary, why are they afraid that they will not get a three-quarters majority. They must be prepared, and be capable of convincing us so as to win the three-quarters majority, but there is no need to change the Constitution by a simple majority of 65 per cent.

Therefore, Mr. Deputy Speaker, I am going to say that I have taken a very short time to study this, and I need longer, but I think it would be very beneficial to us, hon. Members, to allow the hon. Members to have time to consider and study this Constitution, but if the Government is not prepared, as we have suggested, then I would oppose this whole thing completely, because the Government is taking advantage of the fact that many Members are ignorant of the law and so, on our behalf, the Government is trying to confuse us by telling us to delete this section here and to delete that section there, as they know that it will take a long time for hon. Members to read the Constitution and know what is to be deleted and what is not—we expect the Government to

uphold the Constitution, and to honour the Constitution and to know what to change and what not to change, but I have seen that some of these proposed amendments are not for the benefit of this country, and they are unnecessary.

It appears from section 6 that the Government was intending to remove completely the powers of the National Assembly. Mr. Deputy Speaker, I think the Government has told us many times that they recognize the supremacy of the National Assembly, but this must not be in word alone, it must be in action as well. The Government must respect this House and see that before anything is done, this House is consulted and this House is convinced, and it is agreeable to what is done. Things must not be done behind our backs, and without seeking our agreement and approval. Therefore, Mr. Deputy Speaker, I think these sections should be retained in the Bill. If not, the whole thing should be rejected.

Mr. Anyieni: Mr. Deputy Speaker, I intended to speak for a few minutes and then move the adjournment on this, but I see that we only have another seven or eight minutes. I think I would like to make a few observations.

First of all, before I come to this, I would like to say that it is very unfortunate that this Bill does not include the Attorney-General's definition of our law. This Constitution has not thought it fit to completely take it away from this argument.

It is very fortunate that the Attorney-General, who is supposed to be the guardian of the justice in this country, is here in Parliament today telling us what should be done in the Constitution and then having politicians replying. I would like to say that the deletions which the Constitution has mentioned are so numerous, and I know very many Members do not know what all these deletions mean. For example, I see that the section giving the powers of Parliament say that things should be deleted. This means that Members are at one time going to find themselves—because I do not think they have read all these deletions—doing practically nothing, or having no power.

The other thing is this, Mr. Speaker. If Government brings such amendments for the Members to approve, it is very important that Government does not carry out something to permit some mistakes and then bring them to this House to approve the mistakes which the Government has made. For example, as I said, I understand that in Nyanza Region today the members are not receiving any salaries. They do not know what is going on, and when I went home, two Regional Assembly members who were

[Mr. Anyieni] my friends, turned away to become my enemies, because they are saying that it is we Members of Parliament who have passed a law in the Constitution to stop them from getting a salary or an allowance of anything. So, the Members of Parliament must know that some of these members of Regional Assemblies have been beneficial to us in the representation of our constituencies. Of course, we have a few of them who are not good, but we must not agree here that we are ourselves. Members of this House, are not good to each other. Sometimes we are not good to each other, and it could be true that we have some members of Regional Assemblies who may be calling themselves Ministers because they are chairmen of this and that. As such, we may see like them, but we must not be blinded that some of these people are the people who have tried to help. For example, Mr. Deputy Speaker, now the Government is taking almost all powers away from the Regional Assemblies and they are calling them Provincial Councils. Before these were demolished, Nyanza Regional Assembly had plans to have fifteen new secondary schools in the year 1965. They had worked this out very carefully, things had been worked out and everything was going well. We approved the first amendment to the Constitution, and we will do it again today, and as a result, how many new schools were opened in Nyanza? How many? One or two only. If the Regional Assemblies had had all powers, Nyanza Region would have had fifteen secondary schools during this year. As a result of the powers being taken away from them, there are only one or two secondary schools which have been opened.

Also, since the hon. Member who is now a Minister and who was a strong supporter of Majimbo is telling me that I was against Majimbo he must know that Majimbo was not brought about by this country. Majimbo was brought about by all Members of Parliament who went to London, they were the Legislative Council. While we are talking about Majimbo—

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member to call Members of the Legislative Council, Members of Parliament, because there was no Parliament then?

The Deputy Speaker (Dr. De Souza): I do not think that is really a point of order, Mr. Gichoya. I think all hon. Members understand what is meant by that.

Mr. Anyieni: Mr. Deputy Speaker, it was not the tip of the tongue. This House was called the

Legislative Council. When we became independent, this House was called Parliament. This the hon. Member should be able to understand. They were not Members of Parliament who went to London to make the Constitution. They were Members of the Legislative Council. The hon. Member should know that because it is part of the Constitution.

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

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

By stating that we must be very happy to see that all powers have been taken away. It does not make me happy to see that the members of the Regional Assemblies are not doing anything. I must warn that this can be very dangerous. Here is a man who has been elected—and I expect some of the members of the Regional Assemblies hold more votes than some of the Members of this National Assembly—whom you told previously to stand for election. When he has been elected, then you tell him he is not wanted. This is wrong. We do not object to the change, but we maintain that these people have a mandate of the electorate just as we have. These people should be able to be paid a salary, even if it is a small salary. Some of the Members will say, no, some of the members of the Regional Assembly in their own areas are against them. But suppose a member of the Regional Assembly is a poor man and when you are participating in the proceedings of this House, this member of the Regional Assembly should be able to help you. I would like to tell hon. Members that we must not be against the members of the Regional Assemblies because they are elected. If—

Mr. Njalis-Aboki: Mr. Speaker, Sir, on a point of order, the Member speaking stood up to speak for the adjournment of this debate until tomorrow. We would like this to be made clear, whether he has now dropped that intention and is thinking of going on?

The Speaker (Mr. Slade): The hon. Member is entitled whether or not intending, to move the adjournment of the debate, to speak in the debate in the ordinary way; and I understand he was called upon in the ordinary way. In fact, an hon. Member who proposes to move adjournment of a debate can only do it when he has the Floor as part of the debate, not on a point of order. If the hon. Member had in mind to move the adjournment of the debate, he is quite entitled to change his mind. It would hardly be reasonable, now, as it is the time for the interruption of business and to move the adjournment of the

[Mr. Ngala]

It looks as if the county councils are directly under the Ministry concerned, which I understand has a central pattern. I think on a matter concerning the land of a certain province or land which is in a certain province the Government should agree that it is right to consult with the Provincial Council; that is, to seek co-operation on land matters in the province. If Government does not even want to consult, there is no tying down to Government getting permission, if it does not want even consultation, I am afraid, Sir, that the land question is so touchy that Government will be faced sometimes with a very heated attitude from members of the Provincial Councils and it may be very, very unnecessary, indeed. I would have liked the Attorney-General in this Bill to mention that when a matter affects land situated in a certain province, the Provincial Council should be consulted, with that *Haranbee* spirit throughout, from the bottom to the top.

Mr. Speaker, Sir, I think we have not acted according to the expectation of some people in the country in bringing about this amendment. I would like here to talk on the control over transactions in agricultural land. Sir, I understand a separate law will be made. The original idea for inserting this in the Constitution was to make sure that something agreeable would be entrenched in the Constitution to safeguard people in matters of land, but this is now removed. It is removed, we are told, so that we may have smaller pockets, in order that the book may fit our small pockets. These are not satisfying reasons. I think this question of great importance should still be a part of this Constitution instead of being taken away from it and included in a separate, ordinary law of Kenya. I think the Attorney-General will understand the importance of land, particularly land transactions to this extent.

The other aspect I would like to touch on in connexion with land is the position of the Central Land Board, which has not been made, very, very clear. I understand—and it is indicated here—that it will be up to the President to determine the position of this. If this is the understanding of what the Attorney-General means, then what will take the place of the Central Land Board, because I understand the Government is borrowing a lot of money through this board. Therefore, the Government must be responsible enough to continue the application of this, either through a department of a certain Ministry, or through the creation of a certain board or absorption into another board, so that we still

remain responsible for the money we are borrowing. I am not saying that I am endorsing the policy of borrowing money for buying our own soil. I am not endorsing that at all, but since it is the policy, we have to observe it. Therefore, I would like a clear explanation on the future of the Central Land Board, and if it is to die, what will be the set-up in future in relation to this.

Now, Sir, I think it is quite wrong for the appeal on results of voting to come to the Attorney-General in the first instance. I think, as the county council feel, they take this appeal straight to the town clerk and he deals with it. If I am wrong, the Attorney-General will correct me. Therefore, these appeals should be taken to the clerk of the council. If he wants me to give way to an explanation, I am quite willing.

The Attorney-General (Mr. Njoro): It is important that he does not have wrong information on this, because it is rather important that everyone should have it clear. The hon. Member was not here yesterday, when I went through some of the points mentioned, and he would give other hon. Members the wrong impression. The petition that he is now talking about is at the moment being filed by the clerk of the council in the case of the House of Representatives, the petition is filed by the Attorney-General. The amendment he is suggesting is that the petition is a solution by the Attorney-General.

Mr. Ngala: I am grateful for the explanation given by the Attorney-General. I understand now that it is a petition that he was talking about, and not an ordinary Bill.

The other point, Sir, that I would like to mention is that I think that on the question of emergency here, a very important section has been deleted, and in the previous Constitution, the Parliament was given a great deal of importance in that it could be called to meet and discuss the situation in about seven days. Now, I understand from here that this has been deleted, and therefore, twenty-one days have been substituted.

Now, Mr. Speaker, Sir, originally when we were talking about this Constitution, we suggested three days only, and then it went on to seven days. But, now it has gone on to twenty-one days. Now, all sorts of things can happen, and it is a very dangerous thing. I would like to have an explanation as to why the Attorney-General has deemed this necessary, so that the Parliament should not be convened for such a long time.

21 Second Reading—

[Mr. Ngala]

Now, Mr. Speaker, I personally, from the beginning have objected to these fundamental changes of the Constitution, and feel that I would like to state very clearly that I reserve my position on these changes.

Mr. Kagga: Mr. Speaker, Sir, I support the view that this Bill needed more time for consideration, because most of us did not think that we had to debate this Bill today, as there were some other Bills before it.

What I would like to say, Mr. Speaker, is that the Constitution is the life of the country, and in my opinion, it is very important and is not a thing that people should screech everybody when we look at the objects in the last pages. It says that the object of this Bill is to amend certain entrenched and specially entrenched provisions of the Constitution. The House would like to have time to know exactly which of these entrenched and specially entrenched provisions are being amended, and that is why we thought we needed more time to study this Bill.

Now, Mr. Speaker, I will make some points on the few sections which I have been able to look at in the short time available.

The Speaker (Mr. Slade): Mr. Kagga, I would like to mention that Mr. Anyieni was contemplating moving the adjournment of the debate for the reasons you are giving, and I understand that if you were to move the adjournment of the debate, which you have the right to do now that you are on your feet, Government would not oppose it. If you prefer not to make now a speech which you think would be better tomorrow, you can move the adjournment of the debate if you like.

Mr. Kagga: I think, Mr. Speaker, I will make a speech now.

I have looked at the few sections which have really alarmed me. Section 29, which is deleted in the First Schedule, subsection (a) substitutes the word "majority" for "65 per cent", and this section deals with the declaration of emergency. I think this is a very important thing in a country, and when a state of emergency is to be declared in a country, the House should be convinced, and should agree as the representative of the people, that the emergency was necessary, but when we are asked to delete 65 per cent and put just "majority", I think this is one of the attempts on the part of the Government to bring about a dictatorship in this country, because a small group can support the Government in such a move, and

a state of emergency is declared affecting thousands of people in the country.

If I may give an example here, Mr. Speaker, of my fears. In my district the other day a few people thought that there was a threat to security in Fort Hall and urged the Government to ban meetings in this district. In my opinion, there was no reason for that. There was no situation warranting such drastic action. For instance, now, if we pass this Bill, somebody can go to the President and say that he thinks that there is a situation in Fort Hall and the only cure is to declare a state of emergency. If this Bill is passed and such a Motion is brought to the House here, probably on Friday morning, with very few Members, according to this amendment a small majority can pass this, and a state of emergency will be declared in Fort Hall affecting the whole district, which may even cause thousands of lives to be lost.

Therefore, Mr. Speaker, I think this is a very serious matter. We should not allow a few people to play about with our country. We should not allow a few people to play about with the lives of our people, because emergency means loss of lives.

Now, Mr. Speaker, the sections from 67 to 71 all deal with the powers of Parliament, and when we look at this, Mr. Speaker, we find all these sections deleted. That means the Government is trying to do away with the powers of Parliament. The Government is trying to have a way of doing things without bringing them to the Parliament. For instance, you find in section 67, Parliament has some powers to grant loans and so on. This is completely removed from the Parliament, and that means the Government can do anything it wants, without coming to Parliament.

Section 68 deals with international obligations, and this section is the only section where the Parliament can give its say on international obligations or international commitments under which the Government may commit the country. If we are denied the only say we have, that means the Government can commit the country in obligations, and the Parliament has no way of questioning or even expressing the feelings of the country.

Mr. Speaker, section 69 deals with the powers of this House regarding the declaring of emergencies. We remember that when the state of emergency was declared in the North-Eastern Region, the Government, following this section, came to us to approve the declaration of the state of emergency, and this Parliament approved it.

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

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

[Mr. Ngala]

these matters affecting this particular section are not deleted at all so that the provision that was there originally is maintained.

Now, I see that the Minister has made it quite clear here, that the executive powers of the Provincial Council are removed. I would like to get a concise explanation of what is going to be the relationship between the Provincial Commissioner and the Chairman of the Provincial Council, because in the past, the Provincial Commissioner, who was the Civil Secretary, was a member of the establishment of the Regional Assembly. Is the Provincial Commissioner, who is not a member at this time of this establishment, but rather a civil servant, still going to continue sitting in the Provincial Council and if he is going to continue sitting in the Provincial Council, where is the provision in the amendment? I would like to see if there is an amendment to make it quite clear that the Provincial Commissioner, as against a Civil Secretary, is still required to sit in the Provincial Council and what merits his sitting in the Provincial Council because the Civil Secretary sat in the Provincial Council because he was a servant of the Regional Assembly and therefore he had no vote in the Assembly, but he could speak in the Regional Assembly. Now, the Provincial Commissioner is not a member of the establishment of the Regional Assembly and he is not a servant of the Provincial Council in any way. Now, he is going to sit there or not and if he is going to sit, is he going to vote or is he not going to vote? I assume Sir, that he is not going to vote as he is not a member and I also assume that he is not going to speak at all because it appears to me that there would be very little that concerns him in the Provincial Council. We would also like to know upon which matters the Minister would like him to speak.

My second point, Sir, is this House must feel very annoyed with regard to the general manner in which servants of the Government have been allowed to implement these amendments, even before the House sits down. I think this is one example in which civil servants have been allowed, intentionally, to use such terms as Provincial Commissioner in an official manner before this House passes this Bill. I think it is degrading the integrity of this House, Mr. Speaker, and I would like to make it quite clear that the Minister should apologize to this House for the use of these terms officially outside in the country before this House, which is the final authority, pass the law. Mr. Speaker, Sir, people are complaining to use the words "Provincial Commissioners", "District Commissioners" and all sorts of terms before this House has passed the law. It must

be made clear by the law makers whether it is the Cabinet alone which is able to make its own law and dish it out to civil servants. I am not of the mind to speak on this Bill because everything that has been asked is already being done in the countryside, therefore what is the use of bringing the Bill into the House? I hope the Minister responsible will apologize for undermining the House in this matter.

Mr. Speaker, Sir, as far as the committees are concerned, we feel that the Minister for Health has made a very good suggestion that the established committee, the finance established committee should be replaced by the general public committee.

Then he has gone further to say that the Provincial Council should create any further committees that they feel appropriate for their own areas, but because we do not want the Provincial Council committees to be dealing with things on which they do not have real authority, we would like to get a general direction as to whether the Government would delegate some of their powers to the provincial committees so that these provincial committees can be working committees. It would be quite a waste of money to call somebody chairman of a committee when you have not actually given him the authority, even on a delegation basis, to do the work.

Here the Minister for Information is saying provincial agricultural committees. This Bill does not say agricultural committees, it says Provincial Councils. He is the Minister for Information and he should know better what he is talking about. Mr. Speaker, Sir, the Bill deals with Provincial Councils, and if there is an amendment, the Minister for Information should bring forward his amendment.

Therefore, I would like to get a clear explanation from the Minister concerned as to whether some powers will be delegated—education, and so on—to these committees so that they can be working committees, although the power is not actually vested in the Provincial Councils. Unless that is done, I think there will be a lot of confusion and money will be wasted, and time too.

Next, Sir, I would like to raise a point on the functions. The Minister says that a Provincial Council may make a law with retrospective effect in any case where the power to make the law is defined by this Constitution, and in any case where the power to make the law is defined by Act of Parliament. If the power to give the law retrospective effect is expressly conferred by that Act, there are two things here I would like the Attorney-General to make clear. Which are the

757 Second Reading—

[Mr. Ngala] powers that are conferred by this Constitution to the Provincial Councils to make laws, because they are very vague generally here? I want to know if this is covering everything. If it is covering everything, then the county councils, too, are part of the Provincial Councils. Therefore, it should be defined. The Attorney-General cannot leave it undefined and I think that the Provincial Councils will not make laws affecting county councils because the county councils are part and parcel of the progress. So we would like a clear definition of that.

Then, when will the Parliament confer powers on Provincial Councils; under what circumstances does the Parliament confer powers on the Provincial Councils? I think the Attorney-General was envisaging a situation which he has not clearly explained here, and we would like to know the circumstances under which a Provincial Council would have powers conferred on it by an Act of Parliament.

Another thing, Mr. Speaker, is that in this Bill every financial power is removed from the Provincial Councils. Of course, I admit that the Commission is changed, but I would like to know how the Provincial Councils are going to do any work without any single financial power or provision of funds? How is the chairman going to live, how are the members going to live? How do you expect them to live or even attend? There is no provision, even for their constituency allowances. There is no provision even for a bus fare from one place to another for a member of the Regional Assembly. How are they going to live? Is it a secret way of killing the Provincial Councils? If it is a secret manner of killing the Provincial Councils, we should be told in no uncertain terms. How are they going to live? They have had their salaries increased, but the members of Regional Assemblies, which are now Provincial Councils, have no salaries. They have no constituency allowances, they have nothing; how are they going to live? I do not know. Ask the Attorney-General about it.

Mr. Speaker, in this Bill I would like a financial section in which the members of Provincial Councils are considered financially, so that they are not embarrassed in such a manner. Mr. Speaker, Sir, I think this is a matter which we should not take lightly. Some of the Provincial Council members stood down for some Members of this House when the elections were on. They stood down because they expected to be considered. Now they are put in a very difficult situation indeed. The Bill does not provide any section where the

members of Provincial Councils are considered. A Minister writes to the members of the Provincial Council and says, "You meet me at Mombasa Airport on such-and-such a date," and these members rush to meet the Minister, but when they come to the question of money, they are told there is no Vote for this. Why did the Minister write to the Provincial Council members asking them to meet him? They leave their jobs to go on this State function, meeting the Minister at Mombasa Airport or Kisumu Airport.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): They do not need to.

Mr. Ngala: Is that a responsible reply? If the members are elected to carry out a certain function, if they do not need to, why do you not abolish them now?

I think, Mr. Speaker, this Bill needs further consideration. We do not want this Bill to bring a chaotic political situation in the country. Mr. Speaker, Sir, several times members use their cars, even chairman use their cars, and they are told, "There is no Vote, if you use your car, there is no Vote." What will they do? I want an assurance that a provision would be mentioned at least generally in the Constitution as to whether the Provincial Council members would have a financial provision to help them, otherwise these Provincial Councils which are very useful bodies will do a natural death. Is what the Government wants? We have heard the Government saying they will uphold the Constitution, but it is upholding the Constitution when you are doing away with all the entrenchments? The Government have said they will uphold the Constitution, but if the Provincial Councils are living in such environment, such conditions, imposed by this legislation, to such an extent as to cause their natural death, is that upholding the Constitution? Are we being sincere about them? If we do not want these councils, we had better say so now. There is no question about it, no hiding. I mean, if I do not want the face of the Attorney-General, I would tell him that I do not want his face, so that it is quite clear to him, any time, but—

The Speaker (Mr. Slade): You would not do it in this House, would you, Mr. Ngala?

Mr. Ngala: Mr. Speaker, Sir, I would not do it in this House because I like the face of the Attorney-General.

Mr. Speaker, Sir, I think I will leave the question of accommodation, but I would like to touch on the question of Trust land.

[The Speaker]

It may be better for hon. Members to wait and see if Government would move the adjournment of the debate until tomorrow; or otherwise hon. Members, having said their piece as far as they are concerned, can move the adjournment of the debate.

Mr. Warithi: Is it not, Mr. Speaker, assumed that Members come prepared for a debate, if it is on the Order Paper, since we see the Bill long before it comes to the House. It is not assumed that we come prepared for it?

The Speaker (Mr. Slade): Yes, Mr. Warithi, but I think you are beginning to debate a Motion for the adjournment of the debate which has not been moved yet. What you have to say is very relevant to a Motion for the adjournment of the debate, but we have not had one yet.

Does any hon. Member wish to speak in this debate?

Mr. Ngala: I am not moving the adjournment, Sir.

The Speaker (Mr. Slade): No.

Mr. Ngala (Mr. Speaker, Sir, having looked through the Bill, I think that it is a most serious Bill, that the Attorney-General has ever moved. It is serious because it does away with all the entrenched clauses over which we laboured for about three months in London. Now I think that the country generally expects to have a Constitution which does recognize that certain facts have to be safeguarded properly, and entrenched in a manner that will give citizens some security. This is being done away with. If this amendment or this Bill goes through, this is the most serious aspect of the Bill. The Government intends to do away with any entrenchment aspects in the Constitution, any safeguarding of certain rights. Originally, we thought that the Government would, and this was appreciated by the Government, before independence, support the question of entrenched clauses which was very much emphasized by the Government and we all supported the idea of having a Constitution that would have some aspects of entrenchment. Today, this is being done away with. It is a most serious aspect of this Bill.

My second point, Sir, is that looking through the Constitution, the amendment to the Constitution, I think that the Attorney-General should define to us, what he means by functions of the Provincial Councils in a clearer manner. I take it that the Provincial Councils have no executive powers, but I also take it that the Provincial

Councils have legislative powers over all aspects affecting a matter of particular importance. I stand for correction if this is not the position. Sir, if the position is that the Provincial Councils have every legislative power, apart from the legislative power being concurrent with the Act of Parliament, that is waiting until the Parliament brings down an act to clarify the legislation of a Provincial Council, then the Provincial Councils can make laws over an area of their own.

Now how are these laws going to be executed? If it is true—I mean that I stand for correction on this—it is true that the Provincial Councils can enact legislation. I admit that this legislation can be nullified by an Act of Parliament at any time, but once they enact a legislation, who is going to carry out legislation that they enact? If it is the Provincial Councils and the Provincial Commissioner who is going to order the Provincial Commissioner to carry out the act or execution arising from the legislation of the Provincial Council? I hope that the Attorney-General will clear this so that the Provincial Council are not made into silted bodies that go on passing laws and enactment without having this effected in the Bill.

My third point is that I am assuming that the Attorney-General thinks that the Provincial Council should be convened or Members of the Provincial Council should be convened by the Provincial Commissioner. This has not been made clear in the Bill as to who is the convener of the Provincial Council members to hold a meeting of the Provincial Council. Is it the Provincial Commissioner or the Chairman of the Provincial Council? This, I think, has not been mentioned anywhere in the paragraphs. I think it should be made very, very clear that it is the responsibility of the Chairman to convene the Provincial Council meeting. If it is left to the responsibility of a civil servant, the civil servant may not want certain matters discussed and therefore he may use this responsibility to muddle or hold up a very necessary political discussion that is required in a province. Now, this has not been made clear in the Constitution and the Constitution amendments and therefore we would like to have it very clearly stated that the Provincial chairmen will be the people responsible for convening council meetings of the provinces.

My next point, Sir, would be the question of procedure. In conducting a meeting of the Provincial Council, we would like the Attorney-General to define clearly the procedure that would be followed so that the Provincial Council meetings can be conducted in a more uniform manner throughout the country. The county councils and the municipal councils have a

[Mr. Ngala]

definite uniform procedure that they adopt when they meet and we would like to know in view of the change now, what sort of procedure or conduct of meetings will be adopted when a Provincial Council is sitting. This is because of the change, Sir—I am aware of the procedure that different Regional Assemblies have been following in the past, but this has been dropped now by the change in the Constitution, that is why I am demanding the Attorney-General of the need for directing the Provincial Councils. Indeed some of the Provincial Councils have not been meeting because they do not know, there is no directive to tell them to do things. One, the procedure of the meeting of the Provincial Council, and two, how the legislation will be carried out in the Bill.

Another point I would like to raise, Sir, is that I am surprised that in this, as far as the Trust land is concerned the Minister for Natural Resources, or whatever Minister it was at that particular time, has been given a lot of powers which I think should have been restricted or limited. I would like to quote section 212 (a), page 40:—

(a) the Minister for the time being responsible for forests may, by order published in the *Kenya Gazette*, designate any area or areas of forest that are situated on Trust land as a central forest;

I think this is very dangerous. I am not surprised, now, that the Attorney-General has been defending the whole afternoon, the phrase, in good faith, because this means that the Minister responsible for Natural Resources could declare a county council forest in Lamu or in Kilifi at any time, a central Government forest even without consulting the local authority responsible. If this is what the Attorney-General is aiming at he should be told that we strongly resist this. We feel, Sir, that these powers should be very much restricted as far as the Minister is concerned. He should not be allowed, at his own discretion, to take away county council land or county council forest by mere declaration in the *Kenya Gazette*. I think that the Members here will realize that this is a most serious thing. This has happened, for example, I went to Masailand a few weeks ago and the county council was making a lot of noise because this power had been used already, and the county council there was complaining that the Minister from here, he is not here this afternoon, the particular Minister who I have in mind, but he had used it and the county council woke up to find finding that all their forests were to be kept their responsibility. Now, Mr. Speaker, Sir, this is a very dangerous power to put in the

hands of a Minister without any time or check or restrictions.

I am not suggesting that the Ministers are angels they are far from it. They may be devils.

But, Mr. Speaker, Sir, what I wanted to emphasize was the danger of having this power entrusted to a Minister without any clause that defines or qualifies how he can use these powers.

Mr. Speaker, Sir, if some of the entrenched powers are completely removed as the Attorney-General said that after we have passed this it will be no more necessary to have the entrenched clauses, this will mean that many things will be co-optic, for example the forty-one seats in the Senate will no longer be especially entrenched.

An hon. Member: Very cheap!

Mr. Ngala: I do not know what is cheap, whether you are very cheap or not, I do not know. But the point I am making is that the Attorney-General should make quite clear to us as to which entrenched aspects of the Constitution are not touched.

My next point, Mr. Speaker, Sir, is on the question of the aspects that are deleted. I would like to know, in no uncertain terms, what the Attorney-General means when he is referring to a clerk of a Provincial Council because throughout this Bill there is no place where specific provision has been mentioned of a clerk to a Provincial Council. Now is he talking of somebody who does not exist in the Bill? I stand for correction on this; if I have not seen the section, but I would like to know where the provision is, because at the moment, there are many Provincial Councils without a clerk, and it is not provided for here. Will it be a question of borrowing any clerk in an establishment to come and record the minutes of the Provincial Council like that, without any provision in the Constitution, or does the Attorney-General intend to provide itself specifically in the Constitution. If so, it should be put down here in the Constitution.

Mr. Speaker, Sir, I would like to emphasize the need for still making it possible for any Government Notice that is part of the Provincial Council to be published in the *Kenya Gazette* and the limit of days or weeks in which it should appear in the *Kenya Gazette* still continue. I understand that the danger of resistance by the Central Government, is now removed, but I think it is a very good provision. It would ensure that the Provincial Council's enactments would not be given undue delay in being published in the *Kenya Gazette*. Therefore, I would suggest that

[The Attorney-General] amendment to paragraph (c) is intended to make it clear that where Parliament confers powers on Provincial Councils to make laws, that does not include powers to make laws which have retrospective effects, unless Parliament expressly says so in the Act conferring the legislative power on the Council.

Section 111 provides for the prosecution of unqualified persons in the Provincial Councils by the Clerk. In other words, under the pending section, the prosecution should be initiated by the Clerk. It is considered that such prosecution should be brought by the Attorney-General.

Section 113 provides for the Finance and Establishment's Committee and for numerous other committees of the Regional Assembly. This provision is now obsolete and the substituted provision provides for a General Purposes Committee, a more appropriate title now, and for the possibility of other committees.

Sections 116 and 117 relate to the position of the Civil Secretary and other officers in the regions. They are not provisions which need to be included in the Constitution or, for that matter, in written law.

Section 181. In the Chapter on the Judiciary, I wish to refer in particular to section 181 which provides for appeals to the Judicial Committee of the Privy Council in England. It is considered that all appeals to this court should be abolished. Although the Judicial Committee of the Privy Council is a court of very high legal standing, it is not our court. Also appeals to it take a long time and, by reason of distance, cost much more than appeals to our locally situated East African Court of Appeal. This apart, it is my personal view that continuing appeals to the Judicial Committee of the Privy Council would not be in keeping with the dignity of our Republic. The Court of Appeal for Eastern Africa should become our final court of appeal.

Clause 15 of the Bill makes transitional provision and allows appeals to the Judicial Committee from any cases decided before Republic Day, if there was a right of appeal at that time, and provided that the record of the case is deposited with the committee before 12th March of this year. Hon. Members will have received notice and also seen the corrigendum in the Gazette; it was also referred to by you, Mr. Speaker, yesterday when I started to move this Bill.

I now come to Chapter XII on land. It is proposed to call this chapter "Trust Land" because that is what it will now be about. The amendments referring to Part 1, Part 2 and section 202

are consequential. Section 208 defines Trust land as vested in the county councils. The Government proposes that the powers of the Regional Assemblies to make laws in regard to the administration of Trust land by the county councils should now be conferred on Parliament. This is a matter for the national Parliament.

The other amendment to this section is the addition of a proviso to section (4). This is consequential upon the removal from the Constitution of the provisions vesting minerals in the Government. This amendment does not alter the law or give the Government anything it did not have before, but preserves the position that minerals, wherever they are, belong to the nation.

Section 209 (3). This section provides for the setting apart of Trust land for certain national purposes. The county council in whom the land is vested must be consulted before there is any setting apart. The Government considers that the further obligation to consult the chairman of the provincial council is no longer necessary or appropriate.

Now I come to sections 211 and 212. Firstly, section 211 provides that where an owner of land dies without heirs and without making a will, the land shall go to the Government.

The Speaker (Mr. Slade): Order! I would ask hon. Members to listen to what is said.

The Attorney-General (Mr. Njoro): I said, Sir, without heirs and without making a will. As Chapter XII now applies only to Trust land, section 211 is amended to apply only to Trust land. Clause 18 of the Bill contains a similar provision for land other than Trust land.

The new section 212 is necessary now that all reference to forests has been removed from the Constitution. All this section does is to preserve the existing right of the Government to manage central forests which are on Trust land. It does not give the Government any right it did not have before. The new section does not prevent Parliament from making laws modifying the position as it is now. Clause 16 of the Bill is simply designed to save the Minister for Natural Resources from having to designate the central forests all over again.

Part 3 of Chapter XII relates to the control over transactions in agricultural land. The Government considers that all these provisions form part of the ordinary written law and that it is unnecessary to include them in the Constitution. In other words, they will be written in our ordinary law and not in the Constitution. If we are to have a pocket-sized Constitution and our

[The Attorney-General] county council for the administration of Trust land. Clearly, the Commissioner of Lands is the best equipped person to assist the county council in this matter. The purpose of clause 20 is to continue in force the existing arrangement and procedure which governed the setting apart of Trust land by the county councils. This section does not change the law but keeps it in force.

Clause 21 of the Bill keeps Part 3 in force as part of the ordinary law, with necessary consequential amendments made to the First Schedule to this Bill; and Part 3 is deleted from the Constitution.

Section 212 is the interpretations section. The amendments proposed are of a consequential character.

Now, with regard to the Schedules, I wish to mention a few points. With regard to Schedule 1, now that the position of the provincial council is redefined in the Constitution, Schedule 1 is quite unnecessary. The amended Schedule is necessary in the first Amendment Act, because within it the specially entrenched provisions of the Constitution which could not be amended in that Act made no sense. We are trying to shorten the length of this book wherever we can.

Schedule 4 lists the specially entrenched provisions. This Schedule will become superfluous on the passing of this Bill because the distinction between entrenched and specially entrenched provisions will be abolished by the amendment to section 71.

Now with regard to the Second Schedule of the Bill on page 42, this deletes a number of sections of the Kenya Independence Order in Council, 1963 and a section of the Independence Act, which are now obsolete or "spent", as the lawyers say. Those sections have been reproduced in new transitional provisions in Part 3 of the Bill, in a form consistent with the new Republican Constitution. They will be included in a chapter of transitional provisions in the Constitution when it is revised and reprinted. But that will be the subject of further Parliamentary approval. As I stated yesterday, some of the transitional provisions in Part 3 of the Bill are replacements of transitional provisions in the first Amendment Act in this Second Schedule.

With regard to Part 4 of the Bill, clause 17 replaces section 207 of the Constitution, which has been deleted. Clause 17 provides the necessary legal authority for the Commissioner of Lands or any other duly authorized official to sell or lease Government land. Clause 18 is unnecessary now that section 211 of the Constitution only applies to Trust land.

The purpose of clause 19 is to continue the Commissioner of Lands in the position he has occupied for some years, as the agent of the

county council for the administration of Trust land. Clearly, the Commissioner of Lands is the best equipped person to assist the county council in this matter. The purpose of clause 20 is to continue in force the existing arrangement and procedure which governed the setting apart of Trust land by the county councils. This section does not change the law but keeps it in force.

Clause 21 and the Third Schedule to the Bill continue Part 3 of Chapter XII of the Constitution, which relates to the control over transactions in agricultural land in force as part of the general law following the removal of that part from the Constitution.

Mr. Speaker: I have endeavoured to avoid wearying the House with too lengthy explanations and too many legal technicalities. I shall avail myself of any opportunity to give a fuller explanation where it is wanted.

Sir, I beg to move.

The Assistant Minister for Internal Security and Defence (Mr. Aringwings-Kodhek) seconded.

(Question proposed)

Mr. Anyieni: Mr. Speaker, Sir, I am not actually standing up to speak on the Bill. I have stood up to ask Government kindly to put off this Bill until tomorrow so that all Members can go and look through the Constitution, because I can see a lot of "delete section", "delete section" and we would like to be able to see exactly what is there before we accept the Bill. I have consulted the Attorney-General and he was not very much objecting, unless he has changed his mind.

The Speaker (Mr. Slade): You are rising on a point of order, are you, Mr. Anyieni?

Mr. Anyieni: Is that supposed to be a point of order?

The Speaker (Mr. Slade): Well, you would not be able to speak again otherwise!

Mr. Anyieni: Oh, well, I am rising on a point of order, Sir.

The Speaker (Mr. Slade): I will deal with it then. This is a matter which is entirely for Government; it is not actually a proper point of order. What hon. Members can do, if they like, is to move that the debate be adjourned until tomorrow. The only danger is that if he is unsuccessful risks by that Motion is that if he is unsuccessful that is the end of his speech in this debate; if he is successful, he can continue his speech when the debate is resumed.

[The Assistant Minister for Internal Security and Defence]

hands at the back. I cannot believe that hon. Members in this House, after all the amount of discussion I have heard here, do not understand the meaning of good faith. They are speaking in very bad faith.

Mr. Chairman, Sir, I do not want to keep on labouring this point, and I suggest that all hon. Members understand what this means and they know nobody is to be cheated. If the special Member was chairman of this board or corporation, and if he fails badly, if he acts negligently, if he spends Kenya's money or money borrowed by Kenya for his own benefit, or having more wives, we will take him to court.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, Sir, if I may add a little to what my learned friend, Mr. Kodhek, has said, and the Attorney-General. I think it is only something small which has not been understood. Let me give an example. Let us imagine that an hon. Member—the hon. Member for Majoge-Bassi for example—takes his car to Cooper Motors for repairs. Then someone—"Kwangmor"—who works for Cooper Motors in the course of repairing this car, burns the car or causes some damage. Now the hon. Member for Majoge-Bassi will not accuse this "Kwangmor" for damaging this car. He will accuse Cooper Motors, who in turn will accuse this person. This is actually the difficult part of this. When somebody is protected here, this is straightforward, but the corporation can sue or can be sued. The corporation can sue this man who has done this in bad faith and with negligence. We are not intending that this man should be sued directly, but the corporation can sue him. I do not see what is difficult to understand here. I think probably the hon. Member for Majoge-Bassi and my friend—the national Member—may well know that these people are protected here, just as they are in Cooper Motors. We cannot accuse them directly. If we cannot accuse "Kwangmor", but can accuse Cooper Motors who in turn accuses the man, then I cannot see the difficulty. So, Mr. Chairman, hon. Members will probably agree with us at this stage that this clause should stand at it is in the Bill.

The Assistant Minister for Finance (Mr. Okello-Odongo): On a point of order, Mr. Chairman, in view of the fact that this matter has been thoroughly looked into, and I think that every Member has an idea what it is all about, would it be in order to move that the question be now put?

The Chairman (Dr. De Souza): Order, order. We have spent the better part of one hour on this one clause and I think it has been thrashed out fully. I will put the question.

(Clause 16 agreed to)

(Clauses 17, 18, 19, 20 and 21 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of The Agricultural Development Corporation Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Reports, Consideration of Report and Third Readings

THE KENYA NATIONAL LIBRARY SERVICE BOARD BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Kenya National Library Service Board Bill (Bill No. 49) and its approval thereof without amendment.

The Assistant Minister for Education (Mr. ole Konchellab): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Education (Mr. ole Konchellab): Mr. Speaker, Sir, I beg to move that the Kenya National Library Service Board Bill be now read the Third Time.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

(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 AGRICULTURAL DEVELOPMENT CORPORATION BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of The Agricultural Development Corporation Bill and its approval thereof with amendment.

The Speaker (Mr. Slade): The consideration of the report will be tomorrow.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I would like to ask the consideration for today, Sir.

The Speaker (Mr. Slade): Mr. Osogo, we postpone consideration of the report when there has been an amendment, unless you particularly want to ask leave of the House for today.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I would like to ask leave of the House to have the consideration today, Sir.

The Speaker (Mr. Slade): It is the practice of the House not to consider a report from the Committee the same day if there have been amendments, but with the leave of the House, there is no objection to doing so. If no hon. Member objects, you may move the consideration of the report now.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the Agricultural Development Corporation Bill be now read the Third Time.

Dr. De Souza seconded.

(Question proposed)

(Question put and agreed to)

(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)

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Resumption of consideration of Motion interrupted on 23rd March 1965)

The Attorney-General (Mr. Njengo): Mr. Speaker, when the House rose last night, I was dealing with some of the points which it is proposed in this Bill to amend. I was dealing, when we rose, with section 71. The next section, Mr. Speaker, is section 96 (1). I would like to tell the hon. Members that the only way to follow these amendments—I know all hon. Members have a copy of our Constitution—is to have the two amendments which we made last year and the copy of the proposed Bill. Otherwise it is very difficult to follow the amendments that have been suggested.

Section 96 (1), Mr. Speaker, deals with qualifications for elections to Provincial Councils. At present local government staff officers are disqualified under the present Constitution. This, as many hon. Members know, includes a number of school teachers. Now that the Provincial Councils have so responsibilities for local government authorities, there is no reason for this disqualification, and it is proposed to delete the section so that the teachers will be allowed to take part in the elections.

Section 101 provides for Provincial Councils' election petitions to go on to the High Court. At present these petitions are brought by voters or by the Clerk to the Provincial Councils. In the case of parliamentary elections, it is the Attorney-General who has power to bring petitions in the public interest, in addition to the right of voters to petition. Some hon. Members again mentioned that this is a very expensive exercise and it is proposed that these petitions should be undertaken by the Attorney-General on behalf of the voters and not by the clerk to the Councils, but it does not stop the individuals themselves. If they feel like it, undertaking the petition, but as I say, it is expensive petitioning in the High Court.

Part 3 of Chapter IX, the proposed deletion of section 102, and the substitution of two new sections, is for the purpose of redefining the functions of the Provincial Councils in view of the removal of their exclusive legislative powers. The new section 102 and 102 (a) lay down the position of the Provincial Councils as it is now under the amended Constitution.

Section 103 deals with the manner in which laws are to be made by Provincial Councils. Paragraph (a) of subsection 4 which makes elaborate provisions as to when a provincial amendment shall be published in the Gazette is no longer necessary. It appears to have been included because of some fear that the Central Government would frustrate Regional Government by refusing to print regional laws in the Official Gazette. The

[Mr. Masinde]

Sir, because if they are employees, then they will, of course, work under the direction of the corporation in the form of a statutory board, but we want to know who is going to act in "good faith", the members of the corporation or the staff, and who has the executive powers. It appears to be for the staff rather than for the board; if it is at all established, I think if we could establish the difference of what we are trying to protect there, then some of us will be able to help Government get out of these small technical wordings which are causing confusion.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, the hon. Mr. Gichoya is creating in the minds of the Members a monster who really does not exist. It is a pity that the hon. Member who has just spoken was not here earlier on. The corporation is a legal person; it can be sued, and can sue.

Secondly as far as the members of the corporation are concerned, they are not immune to the ordinary law of this country. They are subject to criminal law, they can be prosecuted if they are caught driving a car while drunk, or if they speed, just as any other person, but there are certain duties that they do as servants of the corporation. Let us also remember that although the words "good faith" have been emphasized, there are also the opposite words "bad faith", which can also be established, where it can be proved that a person has done his act in bad faith. In drafting a legislation we do not put the opposite. What we are trying to prove here is "good faith", but if it can be proved that this person's actions were done in bad faith, in his conduct as a servant only of this corporation, you can sue the corporation. But instead of suing the corporation, it can easily be established that the act was done in good faith, then the company can be sued and not the individual. But, as far as this is concerned, they are subject to the ordinary law of the land.

Mr. Anyikwa: Mr. Chairman, I would like the Attorney-General to understand what we are querying. We are not saying that if these people want to steal money there is no law to prosecute them. We are not saying that if they knock people down with their cars, they cannot be prosecuted. This is not the point we are making. The point we are making is that our country is an agricultural country, and our country is going to receive a lot of loans from overseas. This corporation is going to decide and advise where the money is going to be spent. If they decide that a project should be erected in such-and-such a place, and they advise wrongly, and after four

years the whole project fails—an example of Tanzania has been given here where a project of £10 million fails—and the Kenya taxpayer is expected to find ways and means of paying the loans, this is what we are trying to avoid.

I would like to propose that instead of us continuing with this, I would like to say that this clause should not be part of the Bill, and if the Minister wants it to be part of the Bill, then the Minister should withdraw the whole Bill, discuss it, find an acceptable solution to it, then bring it here, because we cannot accept responsibility. If we look at everything that is done by the corporation, we will find that it is not only the employees. All the members of the corporation are fully protected, so what we would like is that these people must know that they have a great responsibility, and if they have a great responsibility, they can just say that they did this and that in good faith.

Now, have we got laws in Kenya by which, when somebody does something in good faith, the Attorney-General can tell us to what extent that good faith will be judged? If he can tell us that, then we will accept this part of the Bill, this clause. If that is not so, then I would like to ask the Assistant Minister kindly to withdraw this Bill, let us discuss it and find an acceptable method of guaranteeing that these people will not mislead the Kenya Government in spending money that they have as loans on useless projects which will flop and create chaos for our country. This is not the first time, Mr. Chairman, and I understand that in countries like Russia if they give you a responsibility of planning something, you plan it and tell them that you require so much money, then they give you that amount of money to run the project. If the project fails, then you are removed. We here, would like to see this clause working, and I do not think any Member here will accept this clause as it is now. It is dangerous and we cannot accept it.

Mr. J. M. Karuki: Mr. Chairman, I think the point that I would like to make here is that we are not protecting the corporation, but at the same time, these words "in good faith" means just this and it goes as far as to say that without negligence for the purpose of this Act—

Mr. Anyikwa: On a point of order, Mr. Chairman, is it in order for a Member who can normally speak very loudly to whisper to the Chairman only. We want to hear what he is saying.

Mr. J. M. Karuki: Mr. Chairman, what I am saying here is that it seems to me that we are protecting the corporation and at the same time protecting individuals working in the corporation.

[Mr. J. M. Karuki]

Now, here it says that the actual thing be done in good faith, without negligence, for the purpose of this Act. Now, what I would like to know from the Assistant Minister is whether, while drafting that particular clause, they paid more attention in trying to find out whether this is actually going to prevent any punishment if they commit an offence in the corporation, and secondly, it seems to me that on the right side of the Bill itself. It shows only that the corporation is exempted from liability, but what is put here is not the corporation, but individuals. Now, I am not even sure whether there will be a committee to determine the extent to which somebody is allowed to go to determine whether he did it in good faith or in bad faith. It seems to me that the corporation is going to duplicate the work by telling somebody else to determine to what extent it is going to be termed "good faith".

Now, Mr. Chairman, here I must emphasize very strongly that passing a Bill in this House is one thing, but to execute the Bill itself, is a different thing. When we pass the Bill in this House, this will go to other people who will execute the provisions.

Now, it was only the other day, Mr. Chairman, I heard that somebody was going along the road and there was a collision with the police, but he was told that if he wanted to be let off he should go to the President in the spirit of *Harumbee*. He was told that this is the *Harumbee* spirit of the President. Now, we see here that the activities were not in the *Harumbee* spirit, so Mr. Chairman, we can pass this in this House, but if we are not assured that there will be some other people who will be determining to what extent these good faiths will go, I am sorry to say that we will find ourselves in great difficulties. Somebody will say that this has been passed in Parliament, and he will tend to think that he is protected by this Bill, and the Assistant Minister for Economic Planning and Development would hear me out on this. If I am not mistaken, somebody was keeping two different accounts in another board, and one account was getting money from another account, but here it can be argued whether that man was doing this in good faith. He knew what he was going. Therefore, he believed that he was acting in good faith.

The Chairman (Dr. De Souza): Order, order. Mr. Karuki, you know very well what is meant by "good faith". Before I call upon any other hon. Member, I would like to make clear that there is in fact a great deal of repetition on what has been said. We have had about twenty speakers who have repeated the same question about good

faith. Some of them are tending to misrepresent the term "good faith". A criminal offence or an attempt to cheat or steal cannot be said to be in good faith. Every hon. Member knows what it means.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodiak): Mr. Chairman, I am standing in good faith and I am quite sure the National Youth Leader leads the youth in good faith. The unfortunate thing here is that we have been labouring the same point with so many speakers. The Members are blinded by the many clauses here. Instead they should look at the paper, this is the Agricultural Development Corporation Bill. Now once you have a corporation, a corporation is a legal body. They can sue. Some of you will be members of this corporation. We can pursue and can sue. I think some of you hon. Members may be members of this corporation. If for some reason you act negligently, we will send you to court.

Hon. Members: Address the Chair.

The Chairman (Dr. De Souza): Yes, I think you had better address the Chair.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodiak): Even if the chairman of the corporation acts with negligence, then we will take him to court. If he acts without good faith, we will take him to court. But the part of the clause in which the Members are interested says that it must be done in good faith and without negligence. It is not or. These two must go together. It is if any hon. Member or person goes into this, we have to make sure it is in good faith all along. Mark you, human beings are only human beings. They are fallible. They are not enclosed in glass; they will make mistakes. That is why this corporation will have members to advise its servants and officers, because they want to attract some of the best brains in the country and some of the best men. We must give them protection for human failings and weaknesses; otherwise nobility will come forward. If you offer me chairmanship on this board, and there are no protections, I will say, "Good Lord, my father took me to a good school and he spent a lot of money." So, you will have to put a mushroom tone of teacher to do it.

Secondly, Mr. Chairman, all corporation, all boards of any importance—many of them have made mistakes—always have a clause to protect them. Even soldiers in the army, or army officers, who are sent out to fight. There are certain things that human beings do, and they need some protection, otherwise you will be tying people's

[Mr. Anylen] The books were printed, we debated that here in Parliament and at last it was declared to be a useless thing, so now the Ministry of Economic Planning is re-drafting it. Again, this was good faith; I am referring to good faith. It was done in good faith, Mr. Chairman, and there was good faith in that document. These people were able to give a specific amount of money to some areas. For instance, of the £3.4 million, £1.8 million was given to one district and £1.6 million was supposed to go to all other districts in Kenya. What guarantee have we that this corporation in good faith is not going to repeat such things?

So I would like the Minister here to accept some sort of an amendment or to go and look to find an acceptable amendment, and to say that if these people make a mistake, they will be held responsible, as we are all held responsible.

With those few remarks, I should like to hear what the Minister says in this connection.

Mr. Khasakula: I will not speak much on this, Mr. Chairman. I would only ask for clarification not from the Minister but from the legal people. Why should clause 16 be included in the general rules of this Act, because I do not see the necessity of it?

Mr. Ngala: Delete it.

The Attorney-General (Mr. Njonjo): Mr. Chairman, I am surprised to hear the hon. Mr. Ngala say, "Delete it," because under clause 16 is the number of corporations, one of which he is the head of, there is a similar clause which protects the officers of these corporations, if they do any acts in the course of their duties. These are not criminal offences, these are acts which are liable to bring about a civil action against officers. If these people are not protected when they are carrying out the work of the corporation, then they will be personally liable, and one might feel—and I am sure the hon. Member will feel so—that if these people are the servants of this corporation, the corporation should protect them when they are carrying out these duties on behalf of this organization.

Mr. Gichoya: Mr. Chairman, Sir, I was more or less on the point of saying the whole thing should be deleted, but again I have been reminded of one thing: that the corporation can be sued, which now gives us a chance of getting the head of the corporation and penalizing him indirectly by removing him from office. But still there is a danger, whereby somebody like King who was employed by the Kenya Meat Commission did in good faith run away from this country,

without paying the money of the Kenya Meat Commission, and he went to his own country in good faith—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, I think these words "in good faith" are being misused because if Mr. King had gone out of this country in good faith—in other words, if I had known that he was running out of this country—I would have been the first one to get him imprisoned. He ran away secretly, not in good faith. He ran out of this country and went to South Africa from where, as you know, we cannot bring him back because we have no extradition treaty with South Africa.

Mr. Gichoya: Mr. Chairman, I still maintain he left the country in good faith. He really acted in good faith. He knew that the conditions of a South African—

The Chairman (Dr. De Souza): Mr. Gichoya, you are not allowed to misrepresent very obvious facts. Unless you are willing—

Mr. Gichoya: I withdraw that, Mr. Chairman.

There is another thing that was done in good faith in my own former Embu District. A number of million shillings were loaned to the Kiambu African District Council of the day for the purpose of tarmac-ing their own roads, and the African District Councillors of the day did it in good faith, but foolishly because in Embu District the tarmac is just on the edge, round about here, and they had enough money to cover most of the roads in Embu District and make them standard. I am talking of the old Embu. Now in good faith the council has given this money to Kiambu on condition that it should be repaid after fifty years: We are the sufferers because of things done in good faith, but in the wrong direction.

Mr. Chairman, it bores me when a man who is ignorant of the facts tries to talk of them. The Member from the Nandi area talks in terms of tribalism, when he knows that I am a Kikuyu. The money was given to the Kikuyu, so there is no question of tribalism. The method of doing it was wrong. That is why I am questioning the term "in good faith". Now, we have to have decisions taken by the manager and employers of his staff, in good faith, but in the wrong direction. What powers have we to get things corrected and make the man who did it know that there is something wrong? We can sue the corporation, but the man who really put the corporation in such a position is not penalized at all. He enjoys the phrase "good faith", having

[Mr. Gichoya] done it in good faith. This is not to be pursued, because if it is pursued in the Court of Law, he can easily prove that he did it in good faith. We are told that no action can be taken, no proceedings can be taken against him. In other words, this man can never appear in a Court of Law. We expect justice for him, as an employee, and for us. These are the dangers I am bringing here, unless something is done to make it possible that in his own personal capacity he can be put before the dock and prove that he did it in good faith. This is exactly what we would like the Attorney-General to make us understand, so that we are assured that this man and these people who are assured that they make a mistake will be put in the dock when they make a mistake to prove that they did it good faith.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, before hon. Members get very far in this clause, I think we are stressing the wrong words at this time. One can read a sentence and stress the wrong words, and it may have several interpretations, but what is happening here is that no act or anything done by any member of the corporation—I am not stressing those words, of course—the general manager, or any officer of the corporation, "shall be done in good faith and without negligence". This is what matters, Mr. Chairman. One can do something, but with negligence. It can be in good faith, but he has done it with negligence. The phrase here that matters and should be emphasized or stressed is "without negligence". Now, if he does it in good faith, and without negligence, Mr. Chairman, how can we prosecute such a man who says, as the hon. Member for Maljoge-Basasi said, laws and taxes may be grown in one of the districts in this country, and that after a year or so this project is found to be a failure. Now, he did this, and if he did it with negligence, obviously he should be brought before the Court of Law because he neglected making a careful study of the project.

The Chairman, a comparison was made here of the Red Book, which the hon. Member for Kisi South or East, I do not know, pulled to pieces. Some people composed it in good faith, I agree, but some people did it with negligence, because they neglected some other areas, but they are different now. They did it in good faith with negligence, but here they have to do it in good faith without negligence, Mr. Chairman.

With this, I pray, Mr. Chairman, that hon. Members stress very hard the words "without

negligence", which matter in this Bill in this clause.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Chairman, I think that I would request a clarification either from the Assistant Minister, or preferably from the Attorney-General, who fortunately is here. What I think is important is for the Members to be assured that people who will be working in this corporation will not be enjoying any special privileges more than a person working in the Cooper Motors or a secondary school from outside this country. Do we understand that this money is protected, so that if he becomes unfaithful and smashes the picture of the President, for instance, then nothing will be done to him, because if that is not the case, then what is the difference between this man and a teacher who is teaching in our schools, or anybody who is working in the Cooper Motors? What is the difference? Is he enjoying any special privileges?

Mr. Malinda: Mr. Chairman, I think the Attorney-General should give a clear definition of what is meant by "good faith", his legal interpretation of these words "good faith". We have come across schemes and projects having been initiated with what would appear to be good faith but with a very high degree of cunning to spend a lot of taxpayers money.

Mr. Chairman, I remember one very big scheme which was carried out in Tanganyika some time ago. They used to call it the Overseas Food Corporation. That corporation, the Groundnuts Scheme, spent over £10 million. Now, if the man initiating that particular scheme was doing it in good faith, then we cannot afford, in this country, to have any schemes being initiated to that magnitude in what is termed to be good faith. What is going to be the yardstick measure to decide that such a scheme has been initiated in good faith.

Mr. Chairman, I think it is imperative that the Attorney-General should give a legal definition of these words "good faith", so that we know that if a certain scheme has been initiated and it fails to the point that Government money or the taxpayers' money is going to be spent and lost, that man should not be let off scot-free. He must be taken to Court to have it proved that he was doing this in good faith according to a definition incorporated in this Bill.

Mr. Masinde: Mr. Chairman, what has been emphasized in the form of a question I think has already been answered, and I want to propose a similar question, as to whether it is for the employees of the corporation, or the corporation

[Mr. Osogo] the department concerned in connexion with such projects? That is all we would like to know.

QUORUM

Mr. Nyanga: On a point of order, Mr. Chairman, Sir, is there a quorum in the House?

The Chairman (Dr. De Souza): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Chairman (Dr. De Souza): We now have a quorum, Mr. Osogo.

Mr. Osogo: Mr. Chairman, Sir, may I refer the hon. Member to section 7 which states that the members of the corporation—and remember the members referred to under section 7 include co-opted members—shall be paid out of the funds of the corporation such remuneration as the Minister, after consultation with the corporation may determine, and that he will be paid from here, not salaries but allowances, sitting allowances when they are sitting on this.

(Clause 11 agreed to)

Clause 12

Mr. J. M. Kariki: In this clause it states:

"If the Minister, after consultation with the Minister for the time being responsible for finance—"

Mr. Chairman, Sir, it seems to me that if a project is not good and the Minister for Agriculture has instructed, after consulting the Minister for Finance, the corporation to undertake a certain project and that project is not good, then the corporation may stop pursuing that project and then the Government will reimburse the corporation so much money because of that. Now, does it not show here that a bad Minister for Agriculture if any can advise the Minister for Finance to give a bad project which might cause the Government a lot of money in the end?

Mr. Osogo: Mr. Chairman, we did not mean it like that, and we hope there will not be a bad Minister for Agriculture who will do this kind of thing. However, it does not say that the corporation will stop. What it says is that the corporation will not be required to proceed with such a project until the Government has undertaken to reimburse it. Obviously, Mr. Chairman, Sir, the hon. Member will agree with me probably here that when I want to go on with a project when he wants me to go on with a project which, in my opinion, is not going to be viable, is not going to pay, then if I refuse it

only keeps the door open. It is possible that a committee can be set up of people who are not member of the corporation, to advise the corporation. If I may give an example of this, Mr. Chairman, let us say that we have a project in Kirinyaga, which is the district of the hon. Member who has just spoken, where the advice of the local people will be needed. The corporation is empowered in this clause to set up a committee in that area which would advise on viability and the possibility carrying out the project in that area. To advise only, and then it will come to the corporation for discussion. That is only the possibility of not tying up the hands of the corporation on seeking advice from many other people and other places.

Mr. Chairman, if I may clarify a small point raised by the same hon. Member for Gichugu in saying that—What was his other point?

Mr. Gheboya: The problem was, as I said, that we should commit ourselves to something we know, otherwise let us know from your own Memorandum and Articles of Association of the corporation the number of committees stipulated.

Mr. Osogo: Mr. Chairman, Sir, I thank the hon. Member for having reminded me of the point he had raised.

The Articles of the Association and agricultural committees. Mr. Chairman, can you be made when there is a law establishing that corporation. These are not to be included in the Act, because they are going to be made by the Members themselves in forming the rules and knowing how many committees they will require. In this law we cannot say they need ten committees, they need one committee, they need four committees. We cannot say that in this law because it is impossible at this stage to know the requirements of the corporation.

So, Mr. Chairman, I think the hon. Member will agree with me that these are principles which can be set by the management of the corporation and not included in a law like this one.

Mr. J. M. Kariki: Mr. Chairman, I am not going to argue on the side of the committees, but my original question was whether these Members of the other committee are paid and what are they going to receive when on duty, and that is what I would like to know, and if so, out of whose pocket, whether it is money that is already in the corporation or money that will be given by

[Mr. Osogo] the same way as the Ministries, that is my biggest headache.

The Attorney-General (Mr. Njonjo): I would like to allay the fears of the hon. Member by saying that if one is able to bear in mind all the time the membership of the corporation, he will have sufficient safeguard there. If you look at the membership, for instance, and we are satisfied about the composition of the membership and all the other appointments, surely the Minister will not ignore the advice of the members of the corporation?

(Clause 12 agreed to)
(Clauses 13 and 14 agreed to)

Clause 15

Mr. Gheboya: Mr. Chairman, in connexion with the staff of the corporation at the present time, we are facing a problem of Africanization because we do not have people with sufficient education, or for that matter experience. I wonder why the Ministry did not see fit—of course this ought to have come in clause No. 14. Where there is a general manager, there should be a deputy general manager to undertake the general management for a number of years, but taking clause No. 15 as it is, there has also been a tendency to try to frustrate the few brains we have in the country by employing in responsible positions some people who, otherwise could not get into those positions had they not used influence and in this connexion, Sir, I feel that the Government should take appropriate steps in employing the staff of the corporation by either getting them through the normal channels, the Civil Service Commission or have a body which is subject to this House, to a certain degree, so that we do not have a Minister employing the group that appoints the officers. Mr. Njonjo, because he is connected with this particular Minister, I say this, Mr. Chairman, Sir, because we have many times fought in this House on the matter of "Brotherization". Questions have been coming into this House—

The Chairman (Dr. De Souza): Mr. Gheboya, I hate to interrupt you, but we are discussing clause No. 15 of this Bill, we are not discussing the general Civil Service position of this country.

Mr. Gheboya: Now, Mr. Chairman, I agree with you that we are dealing with the servants of the corporation. Now, here unless we are given a very good picture of the best methods of employing the staff of this corporation, we shall remain in the same position as we are today, as so far as certain appointments to positions are concerned in the Civil Service. This corporation is concerned with the services of Kenya and the Government and it is my fear that with an institution of this nature that it may be operated in

the same way as the Ministries, that is my biggest headache.

The Attorney-General (Mr. Njonjo): I would like to allay the fears of the hon. Member by saying that if one is able to bear in mind all the time the membership of the corporation, he will have sufficient safeguard there. If you look at the membership, for instance, and we are satisfied about the composition of the membership and all the other appointments, surely the Minister will not ignore the advice of the members of the corporation?

Mr. J. M. Kariki: Mr. Chairman, what we fear here is, as we have so many problems in this country now that our people are starving for the lack of jobs in these fields, we would like to have an assurance from the Assistant Minister that when the occasion arises for the employment of these people as officers in the corporation, then there will be somebody who will be responsible for knowing who is to be employed, rather than putting such officers as are stated here. This member says that the people who are to be employed or considered will be only persons who have come from the places where the money has come from and that is the danger we see here. What I was asking the Assistant Minister to make clear is whether a local consideration will be paramount in selecting those people. And also with regard to the other property which we will have within the course of one year. We have many youths who are trained in most of the fields stated here and we could give them what they need.

Mr. Gheboya: Mr. Chairman, after hearing the explanation given to this committee by the Attorney-General, I still have fears. Now, we have so far three officers of Kenya Government, that is three civil servants, and I have found that two of them come from the same area, the same of the province, the same tribe, for that matter, and the third from another tribe. Now, we are told that we should not worry because there are safeguards. Now it is human sometimes that one might make a mistake and put a number of people from the same area into the same department, but it is my fear that this disease is going to spread into the corporation which we are trying to create, of tribal implications of favouritism particularly—it is not even tribalism, it is more on the level of "brotherization". This is exactly the problem which the Attorney-General could not remove from me. Now if I look to the Minister for the time being responsible for agriculture, he comes to my district and he is not an African. Now I am putting it nicely, the Permanent Secretary to the Ministry for Finance, he comes to my district, he is a Kikuyu, Jeroge.

[The Assistant Minister for Agriculture and Animal Husbandry]

what he thinks of this Bill. If he looks at section 11, of this Bill, he will find that we are doing in this section what he wants us to do. If we are co-opting members from the public, if the hon. Member cares to look at this very carefully, he will see that in that section we are doing what he wants us to do, but even, though these additional seats for these additional four members we are putting in this Bill when amending it, this is still doing what the hon. Member for Gichoya again wants us to do. We are giving the Minister the chance to nominate or to appoint members of the public. We are not tying these to any section here. He can appoint them in one section. As I have said, if the hon. Member looks very closely at (b), he will see many things. It says, "not more than ten members appointed by the Minister who, in his opinion, possess qualities likely to be of benefit to the corporation".

Now this is among the ten, these ones are going to come there; the four that remain, Mr. Assistant Minister, come under point (f), (g) and (h). Or, as the hon. Mr. Khasakhala says, we have not put people who are in the field; he has forgotten section 5 (1) (c), where two members are to be appointed by the Minister from a panel of names of not less than five, submitted by the Central Agricultural Board, which, as I said yesterday, is an elected board, whose members are elected from all provinces in the country. We are giving the Minister a chance—and the hon. Member for Aberdarees would probably agree with me—to appoint, say, a Member of Parliament.

Now the Member for Aberdarees is indicating that the Bill, as it stands, provides for only six. It does not, Mr. Chairman, it only provides for six if it says "not more than one", that means appointing one; but the Minister may as well appoint two, and if it stands at six he cannot do this. So if the Minister wants to appoint, under (iii), two or three members, he cannot do it as the Bill stands at this time. He can do it, however, when the number is raised to ten very easily. So long as the person he is going to appoint is, in the opinion of the Minister; going to be of benefit to the corporation, then I do not see how he cannot appoint a member under (iii), for example.

Mr. Chairman, may I also correct the hon. Mr. Khasakhala on what he has said, that people who will be appointed under (i) and (ii) should be the same people as appointed under (d) and (e). This, Sir, is not true, because the Permanent Secretary will be on this corporation to convey the policy

from the Treasury. He is not an accountant himself, he does not know about accounts, but he is going to convey to the corporation the views as expressed in the Treasury, of which the person appointed under (i) or (ii) has no idea. People appointed under (i) and (ii) do not stay in the Treasury. The Permanent Secretary appointed under (e) has nothing to do with the gentleman who will be appointed under (ii); they have no connexion. The Permanent Secretaries will convey to the corporation the details of the policy from their different Ministries, and that is all.

Let us now, however, overlook, Mr. Chairman, the fact that the public will be represented by the appointment under (iii), and also by the additional four if the Minister has a chance to play about with appointments from sectors of the public.

Mr. J. M. Karufki: Mr. Chairman, would the Assistant Minister agree with me that the appointments under (d), (e) and (f) are there because there is some sort of fear that when the corporation is implemented there might be some sort of arguments between the corporation and the Government and that each Ministry would like to see a representative of its own in the corporation so as to inform its respective Ministry what has been going on in the corporation?

Mr. Osoyo: It is not like that, Sir. Perhaps the hon. Member for Aberdarees would look at clause 20, where it says:

"The Minister may, after consultation . . . make rules generally for better carrying out the purposes and provisions of this Act and, in particular and without prejudice to the foregoing generality, make rules for—

(a) raising such loans and making investments, on such terms as the Minister may, after consultation with the Minister for the time being responsible for finance, approve . . ."

Now the Permanent Secretaries are there to relay the information carried from the corporation to their respective Ministers, so that the Permanent Secretary of the Ministry of Agriculture is going to bring information that has come from the corporation to his Minister, who, in turn, is going to consult the Minister for Finance; the latter also has got a representative there who will have given him the information so that they can consult amicably between themselves.

(Question that the word to be left out be left out, put and agreed to)

(Question that the word to be inserted in place thereof be inserted proposed put and agreed to)

(Clause 5 as amended agreed to)
(Clauses 6, 7 and 8 agreed to)

Clause 9

Mr. Osoyo: Mr. Chairman, Sir, I beg to move that clause 9 of the Bill be amended by deleting the full-stop at the end thereof and inserting in place thereof a colon, and by adding thereafter the following proviso—

"Provided that the provisions of this section shall not apply to a member who has been appointed in accordance with the provisions of section 5 (1) (b) (iv) of this Act, in respect of the interests he was appointed to represent."

Mr. Chairman, hon. Members will know that under clause 5 we have been discussing that a person may be appointed very well knowing that the interests he is appointed to represent, on the corporation, under section 11 (b) (iv) (?), and therefore we do not see why he should declare an interest where that interest is well known. It would be very illogical for him to declare his interest when it is already known.

Mr. Chairman, Sir, I beg to move.

(Question of the amendment proposed)

(Question that the words to be added be added put and agreed to)

(Clause 9 as amended agreed to)

(Clause 10 agreed to)

Clause 11

Mr. J. M. Karufki: Mr. Chairman, this clause 11 says, "The corporation may appoint committees, whether of its own members or otherwise . . ." This seems to mean that when it comes to "or otherwise" the corporation may have another committee which does not come out of the members of the corporation. Now what I would like to know from the Assistant Minister, because this was not quite clear to me, is whether that committee, which is not comprised of members of the corporation, is going to receive an honorarium when it is on duty?

Mr. Osoyo: Sir, it does not say that a different committee is going to be appointed. What is says here, Sir, is that committees will be appointed comprising members of the corporation or otherwise, which means that, in addition to members of the corporation, there will be members drawn from the public, not necessarily a separate committee of people from outside.

Here, Sir, we want to draw in members of the public who the corporation think will be of necessary service to it in advising on a particular project going on in a particular place. We do not

want to tie our hands, because there may be somebody in the country, in a sector of this country, who might very well advise the corporation; if we leave this open, as it is now in this clause, then the corporation will be able to bring in such a person to give advice on any particular project which it is to be undertaken in that area.

Mr. Gichoya: Mr. Chairman, Sir, just on the same point, the language which is here shows that the corporation may appoint committees, whether of its own members, those who are already there, or going away from the members who are already getting other members of the public and forming committees. It does not state here: members of the corporation plus others or only the members of the corporation because we already understand that it means either the exact number of people who are there or additional numbers to the existing number should be made. Here I would like clarification from the Attorney-General in terms of the wording used. My own small understanding of it is this, that they could be either Members of the corporation or just a group of Members of the corporation or the Minister or by the people appointed by the Minister or by the corporation, whatever the case may be, who are not actually Members of this particular group so that the Assistant Minister should not make us understand what in actual fact is not true, that is one thing.

The other thing I would like to know is this. The number of these committees of necessity must be known because you cannot have a corporation without its rules, with a Memorandum and Articles of Association stipulating, or putting clearly, that they have so many committees dealing with the various things, consequently, the House would know exactly that we are being committed to so many committees when approving this institution, but now the Assistant Minister puts it that we shall have committees. How many are there? Nobody knows. These are the things which ought to be done. Just supposing there are ten. As far as I see, the number of Members who are coming to be part of this corporation will be very limited, so if we have ten committees, these people will not suffice. They cannot be sufficient to man the committees, so we should know the number of committees needed.

Secondly, the Minister must tell us that either the language is wrong or our language is wrong. So far as its own Members or otherwise is concerned, because our translation or interpretation is quite different from what the Assistant Minister is speaking about it. This is, perhaps, a question for the Attorney-General to speak about.

Mr. Osoyo: Mr. Chairman, before the Attorney-General can probably clarify the legal language

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

THE KENYA NATIONAL LIBRARY SERVICE
BOARD BILL

(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Education (Mr. ole Konechalla): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Kenya National Library Service Board Bill, and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

THE AGRICULTURAL DEVELOPMENT
CORPORATION BILL

(Clauses 2, 3 and 4 agreed to)

Clause 5

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, Sir, I beg to move an amendment of clause 5 (1) (b) by inserting the word "ten" instead of the word "six" that appears therein.

(Question that the words proposed to be left out be left out proposed)

Mr. Gichoya: Mr. Chairman, Sir, it is a very good thing that the Assistant Minister has moved an amendment to increase the number of the people who are supposed to be within the secretariat of the corporation. I think the Assistant Minister will be able to make my problem clear to me. Will the additional number of people from six to ten be drawn from the ordinary non-Government officials and technicians? I see that you have a number of technicians being quoted here that they have to produce accountancy knowledge, or another one has to have international finance knowledge, and another one should have knowledge of processing and marketing of agricultural produce. Now, are these four extra people to be Members of the Parliament, or are they to be members of the agricultural organizations within the country, or will they be businessmen or school teachers? These are the things that ought to be made clear to us, that we are increasing this number from six to ten so that we can bring into the picture new faces within the corporation?

Mr. J. M. Karuki: Mr. Chairman, Sir, I just want to have some clarifications from the Assistant Minister. He is amending this to ten, but in

the explanation it is stated that not less than one shall be a member of one of the professional bodies. Now, there is some sort of explanation, and this explanation goes up to six members. Would it not have been better for him to have explained to the House whether these other four will be included in those other Schedules below that, so as to bring the total number to ten, because at the moment, by simply amending the word "six" and putting "ten", there is no explanation as to where these other four will function and how they will be elected.

Mr. Khasakhalu: Following that up, Mr. Speaker, could the Assistant Minister not tell us how he arrives at the figure, adding on the four? Yesterday the argument was that we wanted representations to come from each province and we have six provinces, but he has added only another four. How did he arrive at this figure of four and how are they going to be fitted into this Bill?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): It is unfortunate, Sir, that the last speaker was not here when I was answering his proposal of appointing members from different provinces. Sir, I will also take this chance to correct what the Voice of Kenya has reported, that I said that there will be ten Members of Parliament on this corporation. I have already telephoned the Voice of Kenya to correct this, and I hope they will do so. The additional number, Mr. Chairman, Sir, is connected with— if hon. Members will look at what (b) says—(b), and with your permission, I will read it to the hon. Members. It says: "Not more than ten members appointed by the Minister who in his opinion possess qualities likely to be of benefit to the corporation." Mr. Chairman, it is "not less than", it does not say "not more than". So there is a possibility of the Minister appointing an additional three, maybe, in any of these provisions (1) to (iv) here. For example, the Minister may appoint an hon. Member of Parliament in section (b) (iii) who has qualities of processing and marketing of agricultural produce. It does not limit him there to the number he is going to appoint. All it says is, "not less than". We also thought that on (b) (iv), lenders might be more than one. A country from the so-called Western bloc might lend money and a country from the so-called Eastern bloc might lend us money. It is only those appropriate that representatives from these different countries and corners of the world should have places on this corporation. That is why we have thought it fit to increase the number. It does not also say that the Minister will appoint ten.

The Assistant Minister for Agriculture and
Animal Husbandry]

It does not specifically say that. We only give a chance for the Minister to manoeuvre between clause 5 and ten; between six that are provided for here and ten. It does not tie the Minister down here and ten. It does not tie the Minister down to appoint one in each, except in (c) where the Minister is tied down to two only, and (d) and (e) is tied down to one. He can play with the word (b) (i), (ii), (iii) and (iv). That is how we reach the figure four, Mr. Chairman.

Mr. J. M. Karuki: Mr. Chairman, now that the Assessee-General is here, I would like to put forward a point of legality which we are not quite clear on. This Bill states that "not less than one Member" but in (c) the Minister is tied down to two Members. If you count up those Members, Mr. Chairman, they add up to six. If we change the number in (b) to 10 and we do not change these other clauses, then how are we going to claim that this number is not in the other clauses? This is causing confusion and it is high time we were told that they will remain either six or as ten, and be fitted in the Bill. Then we will know exactly where we stand in the Bill.

Mr. Gichoya: Mr. Chairman, Sir, I still insist that something ought to be done by the Assistant Minister. Here we are apparently controlled by the board of technicians in the country. So far as the chances given in clause 5 are concerned, they are only given to those who have had the opportunity to go to technical institutions to become accountants, others international financiers, those who have been to university and then have qualified perhaps with one of the international bodies. It is only on rare occasions you find an African has had the opportunity of working in these big institutions dealing with international finance. In this respect, Sir, I feel that the number of ten should be increased to give any African with intelligence, basic intelligence, a chance to train under one of these international finance experts, so that sooner or later these institutions become local rather than foreign institutions. What I mean is that unless we open the doors for the Africans with less education and give them an opportunity to learn to handle responsibilities in this country, in a number of years to come, I feel we will no longer be in a position to handle our own affairs. We will have to convert them to the British colonial authority in this country with another authority, with the blessings of the people.

When you establish a board or corporation of this nature, which is going to deal with the life

of this country in terms of money, I feel that the local people should be associating with the whole project in a greater measure than just merely having an institution for the sake of having an institution: I request the Assistant Minister to see to it that we do not, have "not more than ten", but have "not more than fifteen", so that fifteen becomes the maximum. Consequently, those people who are now doing very well in the co-operative movement, say managers of co-operatives, who know how to market their own products. Apparently they could be trained to handle higher responsibilities. The only Africans I can see who are participating in this project are the Permanent Secretaries, the civil servants, who are being shifted today from one Ministry to another. As it happened, when we had the *Ujuzi* changes, a Permanent Secretary in the Ministry of Agriculture was shifted to the Ministry of Defence; a man with no background of defence. However, these are the only Africans I can see who are in a position to participate in this corporation. The rest will not be Africans. The greater number will be non-Africans, although they could be Kenya citizens. If only we could think of giving those who had no opportunities during the period when we had no authority the chance to think and enjoy the fruits of our labour, and the fruits of independence.

The Assistant Minister should consider increasing the number so that the Minister will have the latitude of distributing them to various places where technical knowledge is not needed in a greater measure.

Mr. Khasakhalu: Mr. Chairman, following that up, we seem to be dealing with technicians only on this Bill and ignoring the people who are in the field. If you look at subhead (i) and (ii) of clause 5, these people could do the work which (c) and (f) could do. There it is all duplicated. The Permanent Secretary in the Planning Office and the Permanent Secretary in the Ministry of Finance are people who work on financial ideas, and in (i) and (ii) we are pursuing the same people. I feel that the Assistant Minister should redraft these particular clauses so that two technicians with financial ideas represent that organization in this corporation, and others to be represented by the people who know what is done in the field, instead of having all technicians here.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, Sir, it is very unfortunate that my friend, the Member for Gichugu, was not here yesterday. He seems to be taking this chance to explain

[The Assistant Minister for Agriculture and Animal Husbandry]

planting of tea in Vihiga and also the extension of existing tea farms. As far as coffee is concerned, the Government intends to uphold the principles of the International Coffee Agreement.

Mr. Khasekha: Mr. Speaker, Sir, is the Assistant Minister aware that the soil has proved that tea and coffee can be grown in these areas and it is the Ministry which is refusing these people the right to grow tea?

Mr. Osogo: Mr. Speaker, this allegation from the hon. Member is not true. Vihiga is unfortunate in that soils differ in one place from another a very short distance away. At this time the tea development officer attached to soil testing is in that area and is finding difficulties in allocating a large area where tea could be grown, and it is not right for the hon. Member to say that soil has been tested and my Ministry has disagreed with the tests.

Mr. Khasekha: Mr. Speaker, Sir, arising from that reply, could the Minister tell the House whether the soil testing is followed by the roads, as they are doing in his Ministry, because they are all the time giving zones where tea can be grown up to a certain road, and not the soil?

Mr. Osogo: Mr. Speaker, Sir, roads are just one of the factors which are looked into when considering expansion of tea planting, but, as I have said, soil tests have not been completed in this area. But I may inform the hon. Member who is pursuing this question that out of the allocated 300 acres for the Vihiga Division to plant tea, only 100 acres were planted last year and people did not come up to collect tea-plant stumps to plant up the 200 remaining acres, which proves to me and my Ministry that these people were not interested last year in planting more tea.

Mr. Masinde: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could the Assistant Minister agree with me that it is high time for the Vihiga Division to be discouraged from growing coffee to enable Lurambi people to grow coffee and Vihiga people to grow tea?

Mr. Osogo: As I have said, Mr. Speaker, I did not want hon. Members to press me after having answered a Motion in this House that we are tied up with the International Agreement as far as coffee is concerned, but I would inform the hon. Member that out of the coffee-planting acreage which we were determining in the Ministerial Coffee Committee that was set up by the Prime Minister last year, Vihiga was allocated

484 acres of coffee out of the 1,716 acres that were allocated in Western Province.

Question No. 865

MIRAA PRODUCTION IN CHULU HILLS

Mr. Ndile asked the Minister for Agriculture and Animal Husbandry whether the Minister was aware that large quantity of "miraa" commonly known as "mairungi" existed at Chulu Hills in Machakos. If so, was he prepared to encourage large-scale production of the crop in Machakos.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. I am aware that "miraa" exists in the Chulu Hills and at this moment investigations are proceeding to find out the acreage. The whole question of whether to encourage or not the production of "miraa" is being looked into by my Ministry and the Ministry of Health.

Mr. Mbozoh: Mr. Speaker, can the Assistant Minister tell this House how many tons of "miraa" were consumed in this country last year?

Mr. Osogo: 156 tons, Sir.

The Speaker (Mr. Slade): We will now go back to Question No. 908.

Question No. 908

ANNUAL VISIT OF PRESIDENT TO DISTRICTS

Mr. Lorema asked the Assistant Minister in the President's Office whether arrangements could be made for the President to visit each district once a year.

The Assistant Minister, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply, No, Sir.

Although I agree that the idea is a good one, it is not possible, nor is it wise, to tie the President down to a timetable for visiting districts.

The President will, and usually does, visit as much of the country as he possibly can whenever a suitable opportunity arises.

Mr. Lorema: Mr. Speaker, Sir, arising from that interesting reply, is the Assistant Minister aware that pressure has been put on the President by Ministers to visit their own areas instead of visiting other areas?

Mr. Nyanweya: Mr. Speaker, Sir, I am not aware of undue pressure which has been exerted on the President.

Mr. Ngũgĩ-Aboki: Mr. Speaker, Sir, as we know the areas that have been visited by the President in this country became a republic and the achievement of internal self-government and independence, would the Assistant Minister in the President's Office explain what factors guided the President as to which areas he should visit and at what time, if it is not due to pressure?

Mr. Nyanweya: Mr. Speaker, Sir, there are a lot of factors which are normally taken into consideration before a Minister or the President for that matter, visits a district. Some of the things which, I think, are taken into consideration are the economic projects which are intended to develop a particular district where it requires a Minister or the President to witness what is going on. For instance, the visit the President made two weeks ago to Kindaruma in the Tana River for the inauguration of the Seven Forks Hydro-electric Scheme and for the purpose of uniting people, particularly in former Kadu areas, required the presence of the president of the party to be seen and apart from this, Mr. Speaker, there are a lot of other things. If the hon. Members would like to bring things to the attention of the Minister or the President, the President would like to visit those areas, but I am objecting to the idea of tying the President down to a particular timetable. It is because the President wants to leave it open to study what is going on, and if he is invited and he thinks that the visit would serve any useful purpose, he would visit any district in Kenya.

Mr. Ochwada: Mr. Speaker, Sir, arising from the Assistant Minister's very interesting reply, could the Assistant Minister tell the House whether there has not been a proposed economic project in the Western Province, and whether an approach has not been made to His Excellency the President to visit this area, and whether there has been a proposal by the President to visit this area; and if so, when does he propose to visit the area?

Mr. Nyanweya: Mr. Speaker, Sir, there are depots from district Kanu branches, from various districts, inviting the President to visit them. The President is one man and there are only fifty-two weekends in a year which would mean that the President could make about fifty-two visits in a year to various districts. He can make one visit a week.

Now, Mr. Speaker, it is impossible to accept every invitation which is received from constituencies or from every Kanu district branch. To have the President visit that particular area, and I think the President is doing his best to try and see as much of the country as possible.

Question No. 925

LOANS TO TRADERS, KERICHO DISTRICT

Mr. Bly, on behalf of Mr. Kerich, asked the Minister for Commerce and Industry to tell the House the numbers of traders in Kericho District who had been given trade loans.

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, I beg to reply, Loans to traders in the Kericho District were previously granted by the Kericho Joint Loans Board and the Kericho Urban District Loans Committee. The Kericho Joint Loans Board has issued up to now sixty-six loans and in the Kericho Township, the Urban Committee issued ten loans.

Mr. Bly: Mr. Speaker, Sir, is the Minister aware that these traders who have been given such loans are mostly non-Africans?

Dr. Kioko: Mr. Speaker, Sir, that is a very serious allegation which I would like to check, because the Joint Loans Board and the Special Loans Committee have been under strict restrictions from the time they were formed to issue loans exclusively to the Africans.

Mr. ole Tipsi: Mr. Speaker, Sir, can the hon. Minister give us the number of loans issued by the Industrial Development Corporation to Kericho traders instead of the Joint Loans Board which he talks about?

Dr. Kioko: Mr. Speaker, Sir, the question did not specify where. The facts are that we have just disbanded the Kericho Special Committee which had a balance of Sh. 100,000 and that will be taken over by the Joint Loans Board as soon as it is established, for the smaller loans, and the larger loans will then be taken over by the Industrial Development Corporation. We are now reorganizing whole system.

NOTICE OF MOTION FOR THE ADJOURNMENT

PRESS STATEMENTS BY MEMBERS OF PARLIAMENT

The Speaker (Mr. Slade): It is time to move on now. I would remind hon. Members that Mr. Anyieni is to raise on the Adjournment today the matter which is noted on the Order Paper.

COMMITTEE OF THE WHOLE HOUSE
(Order for Committee read)

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

711 Oral Answers

HOUSE OF REPRESENTATIVES

Oral Answers 712

[The Assistant Minister for Education] the classes have been allocated to the various provinces as follows:—

Province	New Schools		
	Boarding	Day	Total
Coast	1	—	1
Western	—	2	2
Rift Valley	7	1	8
Central	2	4	6

Province	New Form I Classes		
	Boarding	Day	Total
Coast	1	—	1
Western	3	3	6
Rift Valley	7	1	8
Central	10	6	16

Mr. Speaker, Sir, I think that if the Members could listen then it would help them better than keep on shouting "where". I will repeat again.

The Speaker (Mr. Slade): If hon. Members cannot control themselves to keep quiet, then I will insist on complete silence. You will hear the answer to every question with any noise is being sent out of the Chamber if any noise is raised. We do not want that, but it will come to that. It is quite impossible to continue the way you are carrying on now.

The Assistant Minister for Education (Mr. Mutiso):—

Province	New Schools		
	Boarding	Day	Total
Eastern	3	2	5
Nyanza	1	1	2
Nairobi	—	1	1

Province	New Form I Classes		
	Boarding	Day	Total
Eastern	5	3	8
Nyanza	2	4	6
Nairobi	1	4	5

In this Mr. Speaker, Sir, we have also included Kenyatta College which is not included in Nairobi and we have one new school and new form classes, six boarding and no day school.

The total number is fifteen new boarding schools, eleven day schools and the total being twenty-six. In the new Form I classes we have thirty-five boarding, twenty-one new Form I classes, and that brings the total to fifty-six.

Mr. Odero-Sarr: Mr. Speaker, Sir, I would like the Assistant Minister to tell the House how the difference is made out, because there is a great difference according to the distribution to each province.

Mr. Mutiso: Mr. Speaker, I would like to inform the hon. Member that in addition to the explanation I have just given, as to how this was arrived at, I will reply to that, as well.

I would like to advise the Members as to the difference between the schools and the new classes, and also perhaps the reason why the figures in certain provinces differ so much in some cases. The point, namely, is, allocation of Form I classes in the various provinces are as follows. The allocation of students or of classes with K.P.E. entrants in 1964. Some provinces had more pupils taking K.P.E. than others, for instance whereas 10,062 pupils took their K.P.E. in Western Province, the figure for Rift Valley was 17,919. These figures, Mr. Speaker, are taken as an expression of the need in the area for secondary schools and the allocations of Form I were accordingly made. Hon. Members have seen from the figures already mentioned Central Province was allocated the highest number of Form I classes, because its 1964 K.P.E. entrants were the highest. Its entrants were slightly more than those of Rift Valley which were second highest. This high figure of 1964 K.P.E. entrants in Central Province was caused by the fact that Central Province completely converted in 1964 from eight-year primary education to seven-year primary education. It should follow from this that had the other provinces similar conversions their entrants' figure would similarly have increased to necessitate higher allocations of Form I classes and it is therefore hoped that this temporary imbalance should be brought to an end when allocations are made in 1966.

That, Mr. Speaker, brings me to the first point which I undertook to reply to, namely, the fact that there are in some cases differences between the number of new schools and new schemes in one particular area. Once a province has had a certain number of new Form I classes allocated; it can advise the Ministry where these classes could be best placed whether they should be placed in schools that have already been established or in schools that are yet to be established. Some provinces wisely prefer to put the new Form I classes in schools which are already established and where there are good facilities and good teachers.

In a province like Rift Valley which covers such a large area of land, you will find that the demand is still very great for establishing new schools and each new Form I allocation was started in a new school.

The number of new Harambee secondary schools will not be available until such schools have been registered by the Ministry.

711 Oral Answers

The Speaker (Mr. Slade): I would like to remind all Ministries that where a question is put down for oral reply, if the question seems to require a very long reply, it is then open to the Ministry to give a written reply instead. It is very much better than they should do so, as very long replies involving many facts, figures or detail, are not really suitable for oral delivery in the House because they cannot be absorbed. So I advise Ministers to take advantage of the written reply in suitable cases such as this.

Mr. Kibogo: On a point of order, Mr. Speaker, I would like to know when the Minister gives a written reply, whether a Member will have a chance to ask supplementary questions.

The Speaker (Mr. Slade): He can put a question on another occasion. Of course, he cannot repeat the same question; but he can put a further question for oral reply in respect of something that arises out of the written reply that he sees recorded in HANSARD; and you will probably find that you are dealing with something on a smaller scale, then it is capable of being dealt with by an oral reply.

Mr. Tanni: On a point of order, Sir, with regard to written replies, some of us have been promised written replies and we have never seen them. May I inquire as to how one would object if he was to have received a written reply but did not and what action he should take in this regard?

The Speaker (Mr. Slade): If he does not receive a written reply within the prescribed time, he can report it to the Clerk.

Mr. Masinde: Arising from the Assistant Minister's reply, in view of the fact he has given as a breakdown which leads to the allocation or estimation of new Form I classes or schools, could the Minister tell me whether the existing schools were considered. For instance, today Coast Province has got more Form I's and yet there were fewer entrants in K.P.E. than Western Province which had 15,000 pupils entered and Coast had only 7,000. Second—

Mr. Mutiso: Mr. Speaker, according to what the hon. Member has just said, I inform the House that the consideration which was given to these two classes was that where we had the highest number of entrants then this was taken as one of the factors which necessitated the establishment of classes, but again where we had a lower number of entrants and that particular area is regarded as one of those backward areas, then it had a better chance than another area.

The Speaker (Mr. Slade): I know that many hon. Members would like to ask questions about this, but it is a very wide field and we do not have time to follow it up today. We have to move on, I am afraid.

Question No. 954

SECONDARY SCHOOL FOR SAMBURU

Mr. Rurumban asked the Minister for Education when the Government hoped to build a secondary school for Samburu.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The Government hopes to be able to build a secondary school for the Samburu as soon as Samburu pupils with the requisite Kenya Preliminary Examination passes are available in sufficient numbers to justify the establishment of such a school.

Mr. Rurumban: Will the Minister not agree with me that the number of pupils who sat for K.P.E. last year from the Samburu District could warrant the establishment of such an institution?

Mr. Mutiso: Mr. Speaker, Sir, last year only five Samburu passed the K.P.E. and all of them were admitted to secondary schools on very low marks compared with the marks of other candidates. At the end of 1965, Mr. Speaker, only seventy-two boys and twelve girls of Standard VII and VIII will qualify for K.P.E. It is too early yet to know how many will pass and qualify for secondary education, but adequate places will be reserved for the successful boys in Nanyuki and Thompson's Falls secondary schools.

Mr. Rurumban: Will the Minister tell the House why the Samburu District is not taken on a par with Marsabit District which has got a secondary school and which accept K.P.E. failures?

Mr. Mutiso: Mr. Speaker, these facts are not known to our Ministry.

Question No. 851

TEA AND COFFEE GROWING IN VIHIGA

Mr. Godia asked the Minister for Agriculture and Animal Husbandry if the Minister allowed tea and coffee to be grown in Vihiga Division of Kakamega by any farm willing to do so?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The Ministry will allow the

Question No. 935

OPENING OF ISIBANIA SECONDARY SCHOOL

Mr. Malsori-Itumbo asked the Minister for Education when the Ministry of Education was going to fulfill its promises of opening Isibania School as a secondary school.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. This Ministry is not aware of any such promises being made and it would be appreciated if the hon. questioner could be a little more specific and perhaps produce more information about these promises. The Ministry is quite prepared to pursue the matter.

Mr. Malsori-Itumbo: Arising from the Assistant Minister's reply, Mr. Speaker, is he aware that last year on 30th November 1964, the former Minister for Education visited Kuria Constituency and held a public meeting at a certain school. There were three places he visited and publicly he made promises that Isibania School would reach secondary status in this year, 1965. The same thing applied to both the other schools. What in 1965 the two schools would get secondary status?

The Speaker (Mr. Slade): I do not think you have put a question, Mr. Malsori.

Mr. Malsori-Itumbo: Yes, Sir, I have.

The Speaker (Mr. Slade): You are asking if the Assistant Minister denies this?

Mr. Malsori-Itumbo: I am asking, Sir, if he denies this.

Mr. Mutiso: Mr. Speaker, Sir, I would like to say that if such a promise was made publicly, I have just said here that my Ministry is quite prepared to look into this matter. That is what I am asking the Member, if he could produce more evidence or information. I would like to bring to the notice of the House the fact that my Ministry is quite willing to pursue this matter, in view of the information supplied by the hon. Member.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, is the Assistant Minister aware that also in this year, 1965, a delegation from that very school came to see the present Minister for Education and they had a conference with the Minister; these same people were promised again that the Ministry of Education was going to look into this question?

Several hon. Members: Answer!

The Speaker (Mr. Slade): Hon. Members are very lively this afternoon! I am afraid it may

be very difficult for the Minister to answer at all because of the noise! Please be more restrained.

Mr. Mutiso: Mr. Speaker, I cannot add anything on this. I have just said that we are prepared to look into this matter on the grounds of the information the hon. Member has given.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 935: OPENING OF ISIBANIA SECONDARY SCHOOL

Mr. Malsori-Itumbo: Mr. Speaker, Sir, on a point of order, in view of the fact that I failed to get satisfaction because of a continuous looking into the question, I beg to give notice of my intention to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 941

APPOINTMENT OF MINISTER OF STATE

Mr. Agar asked the Assistant Minister in the President's Office whether, in view of the fact that a good deal of Government's activities were handled by the President's Office, the President would consider appointing a full Cabinet Minister of State in his Office, to be responsible for and able to deal with such affairs at Ministerial level in Parliament.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. I wish to draw the attention of the House to the fact that, under the Constitution, the President himself is a Member of this House. There is an Assistant Minister in the Office of the President, who assists the President in handling matters pertaining to his Office. Nevertheless, the President is keeping the matter under constant review. Appointment of Ministers is the sole prerogative of the President and should the President feel that the extra expenditure involved in appointing an extra Minister is justified, he will certainly appoint one.

Mr. Agar: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the appointment of Ministers is the sole responsibility of the President, would the President consider also that if the House feels that it needs the presence of a Cabinet Minister to handle the President's Office matters, he would then be sort of compelled to do so, in accordance with the wishes of the House?

Mr. Nyamweya: Mr. Speaker, Sir, that point has been noted and will be conveyed.

Mr. Anyien: On a point of order, Mr. Speaker, I see that the President is in charge of Administration and I see that all questions directed to the President are directed, instead of to him, to the Assistant Minister to the President's Office. Does this mean that the President is not supposed to answer any questions in Parliament?

The Speaker (Mr. Slade): Order! Order! No, in fact, of course, questions concerning portfolios for which the President is responsible should strictly be directed to the President: but as it is known that he wishes his Assistant Minister to answer them as a rule in this House, to facilitate that each question are sent direct to him. It remains, of course, the President's responsibility for what is said in this House, even though it is said by the Assistant Minister.

Mr. Anyien: Mr. Speaker, Sir, on a point of order, if this is the procedure, then we had Assistant Ministers replying to questions, for example, the hon. Mr. Mutiso, who is replying to a question on behalf of the Ministry of Education. Could we then have some questions, as in this case also in some other Ministry, questions being referred to an Assistant Minister and sometimes to a Minister, because this is a little bit vague.

The Speaker (Mr. Slade): I am not quite clear what Mr. Anyien is worrying about. Is it the formal direction of the question? Whether it is directed to the President or to his Assistant Minister, then you will find the Assistant Minister answering, and I do not quite see the difference.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order.

The Speaker (Mr. Slade): Let Mr. Anyien state himself clear first.

Mr. Anyien: Mr. Speaker, Sir, the point I am trying to make is not strictly in connexion with this question, it is that we have questions directed to the Ministries and always it is the same procedure that a Member is going to ask a Minister for so-and-so, but in this particular respect it is not the Minister, it is not the President who is being asked, it is the Assistant Minister. I was wondering whether in that case we could not also, next time, when we want, for example, the hon. Mr. Mutiso to reply to a question for the Ministry of Education, then then say that the Members are to ask the Assistant Minister for Education, it is vague, because in

this particular case the Assistant Minister, who is alone here, is the only man supposed to reply.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, we would like to concede that this form is wrong and that all questions should in fact, be addressed to the Minister concerned and for the President they should be directed to the President.

In future that form will apply in every case.

Mr. Shikuku: Arising from the Assistant Minister's reply when he told the House that there was a possibility, or rather hinted that there would be a possibility, of increasing or having another Minister specifically in the President's Office, is he aware that the number of eighteen Ministries now, in Kenya, is in itself economically very extravagant and the addition of any more Ministries will be strongly resisted because there are so many people without jobs and without food in this country?

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I never said what the hon. Member for Butere is trying to say. What I said is, and I repeat again, that the appointment of Ministers is the sole prerogative of the President and should the President feel that the extra expenditure involved in appointing an extra Minister is justified, he will certainly appoint one.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Assistant Minister tell the House whether his reply amounts to not appointing a Minister at all, or whether it amounts to considering appointing a Minister, in which case, we should rest assured, that Minister will be appointed, because the reply of the Assistant Minister is as vague can be and I would like to know where he stands.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I have replied very fully to this question and I do not think that my reply can be accused of being vague.

Question No. 946

NEW SECONDARY SCHOOLS OPENED IN 1964.

Mr. Odera-Sar asked the Minister for Education if he could tell the House how many new secondary schools had been opened in 1964 in each province.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply.

The Ministry has this year opened 26 new schools but the total number of aided new Form I classes is 56. These new schools and new

Mr. Arhleg-Daeke: I have already said, Mr. Speaker, Sir, that we have now opened an office in Eldoret, and I also said that about four months ago the area was being covered from Nakuru, but now it is the responsibility of the officer who is based in Eldoret. I am sure he has visited the area.

Question No. 918

MEDICAL OFFICER OF HEALTH, EMBU: CLINIC

Mr. Mbogoh asked the Minister for Health and Housing why the Medical Officer of Health, who was a civil servant in charge of Embu Hospital, had established his own clinic at Embu Township.

The Minister for Health and Housing (Mr. Otiende): Mr. Speaker, Sir, I beg to reply.

The present Medical Officer of Health in Embu has not established his own clinic in the township. It is known that his wife is also a doctor, by the same name, and maybe that is how the confusion arises. Dr. Bagshi, in her own name, qualified as a doctor before she was married and she is the wife of the Medical Officer of Health, and she has her own clinic in the township. She is quite entitled to establish this in her own right as she is a registered medical practitioner.

Secondly, I know that she is doing free and honorary work in the Embu Hospital when she has free time. Her husband, Dr. Bagshi, who is the Medical Officer, does not do any work in his wife's clinic.

Mr. Mbogoh: Mr. Speaker, Sir, does the Minister want to tell this House that this information was not given to him by the doctor himself, so how can he now come here and say what he does?

Mr. Otiende: Mr. Speaker, Sir, I do not want to cross swords with my hon. friend, but I am surprised at the questions that have been levelled against the Medical Officer of Health at Embu. There are three questions before this House. One is about the death of some children, one about a dresser being caught with drugs, which we answered yesterday, and today this one about the same doctor having a clinic. I do not know whether I should ask the hon. Member to declare an interest in this case.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that I am the representative Member for that area and I have the right to speak about the area, will the Minister tell this House whether he is not falling in his job as the Minister for

Health if a doctor establishes a clinic because he knows that he has lost confidence in that hospital?

Mr. Otiende: I would like to say here very categorically that any charge brought against a public officer must be substantiated. I have said that the wife of Dr. Bagshi has a clinic. I do not know whether the hon. Member has seen the Medical Officer of Health crossing the road and going to town to practise. If so, his wife is allowed, as a doctor in her own right, to have such a clinic.

Mr. Anyieni: On a point of order, is it in order, Mr. Speaker, for hon. Members to make false allegations against some people in the form of questions in this House?

The Speaker (Mr. Slade): When there is a point of order raised, hon. Members will keep silent while I deal with it. It is not in order for Members to make allegations, even by way of a question, unless they are prepared to substantiate them, and our Standing Orders require the form of questions to be very carefully phrased, whether they are basic or supplementary, so as not to make improper accusations against anyone.

We will go on to the next question.

Question No. 919

LANDLESS KIKUYU FROM HABUA VILLAGE

Mr. Mbogoh asked the Minister for Lands and Settlement if the Minister could tell the House what had been the fate of the 600 landless Kikuyu (Aho) who had been left homeless after his Ministry had given land to 150 people from Habua village.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The fate of the 600 landless Kikuyu in Embu is not different from the fate of many other thousands of landless people throughout the country. It was in sympathy with these people that my Ministry agreed to settle 150 of them last year.

I believe that the hon. Member for Embu North appreciates that this was a generous gesture on the part of my Ministry as far as these people were concerned, in view of the great pressure placed on my Ministry to allocate land to the landless and the employed persons throughout the country. My Ministry is not therefore in a position to take in more of the Embu Kikuyu landless as present schemes are fully committed, to give in priority to the present employees on the farms that are sought for settlement, who will

[The Assistant Minister for Lands and Settlement] take up all the plots. I would call for the patience of the Embu landless Kikuyu until such time that my Ministry will be in a position to do something for them.

Mr. Mate: Mr. Speaker, Sir, may I apologize for standing before my maiden speech, but I will ask the so-called Minister whether he realizes that the Kikuyu are short of land?

Mr. Ngala-Ahok: On a point of order, Mr. Speaker, is the hon. new Member in order in calling the well-established Assistant Minister "so-called"?

The Speaker (Mr. Slade): It is not in order, Mr. Mate, you must withdraw that phrase.

Mr. Mate: I withdraw.

Mr. Mbogoh: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, and in view of the fact that it is the right of these people, citizens of Kenya, to have a chance of being settled, does the Minister agree that their case is more desperate than many other places in Kenya?

Mr. Gachago: Mr. Speaker, Sir, the landless Kikuyu in Embu have no more right than any other landless people in the country over land. Although we appreciate that they are in difficulties, there are so many other groups in difficulties, and they are in no more difficulties than the labour on the farms which have been purchased.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that many big areas of land have been voted to settle Kikuyu in the Central Province, does the Assistant Minister not think that these people have the right to live in Central Province just like the Kikuyu there?

Mr. Gachago: Mr. Speaker, Sir, I have not at any time suggested that these people have no right to live. In fact, we feel that they have the right to live like any other person. If the hon. Member knows of any farms or any plots being allocated in Central Region, I would ask him to go and settle these landless people to apply and then their applications will be considered in the normal course.

Mr. Turui: Mr. Speaker, Sir, will the Assistant Minister tell this House whether the policy of the Settlement Ministry is to settle the landless Kikuyu or to deal with money?

Mr. Gachago: Mr. Speaker, Sir, the policy of my Ministry is to settle the landless people when they apply for land.

Question No. 930

MANAGER OF MOMBASA DRIVE-IN CINEMA'S RETURN TO KENYA

Mr. Balala asked the Minister for Internal Security and Defence, if he could tell the House why Mr. Patel, the manager of the Drive-In Cinema in Mombasa who was deported last year, had been allowed to return to Kenya.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. Mr. Patel left Kenya by air for Bombay on the 6th November 1964, and has not since returned. Nor has any representation been made to me for authority for his return. If he returns without authority, it is a criminal offence and maybe he will be arrested and taken to court.

Mr. Mate: Mr. Speaker, Sir, on a point of order, it is Mr. Patel's own business.

The Speaker (Mr. Slade): Mr. Mate, there is no use putting a point of order unless I can hear it.

Mr. Omar: On a point of order, Mr. Speaker, I seek your guidance on this question, because it is put publicly here that Mr. Patel is back in the country, whereas the Minister has said very clearly here that Mr. Patel has not come back from India. I am wondering whether it is in order for an hon. Member to bring a question when he cannot substantiate the facts?

The Speaker (Mr. Slade): Mr. Omar is quite right to raise this point of order. Members are responsible for the accuracy of any facts which they allege as a basis for a question they ask in this House, and if they allege facts which are absolutely wrong, to that extent they suffer discredit in the eyes of the House.

Mr. Balala: Mr. Speaker, on a point of order, Sir, apologize for not having raised a point of order on this question because I did not know that the question I put is different from the question put on the Order Paper. I apologize for not raising a point of order because my original question asked the Minister to tell the House whether Mr. Patel, the manager of the Drive-In Cinema, has returned to Mombasa or not. This was the original question I put.

The Speaker (Mr. Slade): Order. We are very glad that Mr. Balala has clarified the position. It is quite possible that there has been a mixup somewhere, either in this building or elsewhere. In that case we apologize. At any rate, Mr. Balala has made his own position quite clear.

REPLY

The Minister for Works, Communications and Power (Mr. Mwanjumba): At the winding up of the airport construction unit in February 1959, direct Government expenditure was £2,529,940. This sum does not include prison departmental costs which are estimated to have been of the order of £200,000, making a round total of, say, £2,725,000.

The number of labourers employed for the work varied according to requirements and other surrounding circumstances. During the years 1955, 1956 and 1957 the monthly average figure varied between 3,500 and 4,000.

During the construction three prisoners died as a result of injuries sustained in a motor accident while they were actively engaged on construction work.

A prison warden, Ombima John Obare, who had been sent from Embakasi as part of the reinforcements to stem off a *Mau Mau* attack on the Lukeni Camp on 17th September 1954, was killed.

A European was shot and killed during a gang raid at the camp, and another European was killed in a blasting accident.

Of the daily population average of 3,500 labourers given above (excluding the six just mentioned), 101 people died from natural illnesses.

Compensation was paid as follows:—

- (a) The relatives of the two of the prisoners each received Sh. 3,465/58 *ex gratia* payments.
- (b) The relatives of the third prisoner received Sh. 1,732/59 also as an *ex gratia* payment.
- (c) The dependants of the prison warden received compensation of Sh. 4,363/20.
- (d) Widows and children of the two European officers killed were compensated under the Emergency Dependents Acts as: widow of Mr. Buger, £137 per annum, children £86 1s. per annum; widow of Mr. van de Westenhuysene, £275 12s., child (one), £20 per annum.

The two widows later remarried, the first one on 31st March 1961, and the second one on 24th March 1956. Consequently, both lost their allowances, but the children's allowances to date continue to be paid in accordance with the officers' terms of service.

Question No. 862.

JOBS FOR NATIONAL YOUTH SERVICE YOUTHS.

Mr. Godia asked the Minister for Labour and Social Services if he would assure the House that all youths now in the National Youth Service who successfully completed their course would be given work or helped to get it.

REPLY

The Minister for Labour and Social Services (Mr. Mwendwa): The Government is unable to guarantee employment to every serviceman—this could only be done at the cost of keeping the Service so small that it would defeat a main object of the Government, which is to offer training to the largest possible number of unemployed young men.

The emphasis of the Service will be on making the men self-reliant; on encouraging determination to find a means of self-employment, particularly in the agricultural sector of the economy; and in increasing the potential employability of the men by improving their knowledge, skill and reliability.

Close contact will be maintained with potential employers in commerce, industry and the public service; but the number of employment openings will depend, of course, on economic factors and on the reputation that the National Youth Service builds up for itself.

Question No. 906

MOST COMMON CRIMES IN THE COUNTRY

Mr. Lorema asked the Minister for Internal Security and Defence what were the most common crimes committed in the country.

REPLY

The Minister for Internal Security and Defence (Dr. Mungai): Using the police categories, the most numerous crimes of more serious kind are:—

Breakings (672 cases in December 1964). Cattle theft (288 cases in December 1964) and robbery and allied offences (228 cases in December 1964); and of the less serious crimes, there were 486 cases of assault in that month, and 256 thefts from vehicles and 209 thefts of bicycles.

Wednesday, 24th March 1965

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

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

PRAYERS

NOTICE OF MOTION

MARKETING OF CASHEW NUTS AT THE COAST

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

THAT this House, being aware of the desire of Coast Province Cashew-Nut Growers to be independent of the United Africa Corporation, urges the Government to cancel the monopoly of the corporation so that the purchase and export of the crop could be the responsibility of the farmers co-operative societies.

ORAL ANSWERS TO QUESTIONS

Question No. 908

ANNUAL VISIT OF PRESIDENT TO ALL DISTRICTS

Mr. Lorema asked the Assistant Minister, President's Office whether arrangements could be made for the President to visit each district once a year.

The Speaker (Mr. Slade): As the Assistant Minister is not here yet, we will leave this question and come back to it. Your next question, Mr. Lorema.

Question No. 909

NEWS AGENT FOR WEST POKOT

Mr. Lorema asked the Minister for Information, Broadcasting and Tourism if he would tell the House why there was no news agent in West Pokot.

The Minister for Information, Broadcasting and Tourism (Mr. Achleng-Onoko): Mr. Speaker, Sir, I beg to reply. I presume the hon. Member for West Pokot is referring to basing a news reporter in West Pokot. I would like to answer this way as to help the hon. Member. Local newspapers have their representatives in most of the principal towns in Kenya, to cover activities taking place. For my Ministry, an information office has now been opened in Eldoret, to serve the Upper Rift which includes West Pokot. Of late—important events have been covered by the Provincial Information Office at Nakuru which is a long way off. Information Department reporters will therefore be available for future coverage of all activities taking place in this part of the country.

Tribal dances and other activities in this area could easily make consumable news.

Whenever there are important events taking place in any part of Kenya, news reporters and television cameramen are always at the scene from the "Voice of Kenya" based in Nairobi, if they can be spared.

Kenya has the only news agency in Nairobi which feeds subscriber newspaper firms with news from other countries and other places in the whole of Kenya.

Mr. Lorema: Mr. Speaker, Sir, is the Minister aware that the public are tired of reading news from Nairobi only and not other districts in Kenya?

Mr. Achleng-Onoko: I do not think people are tired of reading news about what is happening in Kenya and it must be remembered that Nairobi is the centre of activity and where the Members of Parliament meet and we must see that the activities here are covered.

Mr. Choge: Arising from the Minister's reply, Sir, I would like to know which office of reporters cover Nandi District?

Mr. Achleng-Onoko: Districts will be covered beginning at Eldoret.

Mr. Rurumban: Will the Minister not agree with me that it boosts the morale of every tribe, if every tribe can read the news regarding the affairs in his own particular district in the newspapers?

Mr. Achleng-Onoko: No, Sir, but when the hon. Member makes news in Parliament, I do not go out of my way to get his tribesmen to read the news. Anybody who is capable of reading the news will read the news regarding the people of Kenya.

Mr. Shikuku: Arising from the Minister's reply, is he aware that Pokot, as such, is not well covered, and it is only covered when the Minister goes there?

Mr. Achleng-Onoko: If an hon. Member feels that it is not well covered, there is one practical way which I would like to suggest to the hon. Members by which this can be done, and that is they can start groups or companies or co-operative societies, and to operate their own newspapers.

Mr. Komora: Mr. Speaker, Sir, arising from the original reply by the Minister, will he tell the House whether this Information Officer stationed at Nakuru has visited Pokot area at any time to collect the news?

[The Attorney-General]

and in the Senate—so that each period of emergency should last for three months and not two months, subject, of course, to its earlier termination by the President. If the state of emergency comes to an end or there is no further need for a state of emergency, and that the period within which a House of the National Assembly must be called upon to approve an emergency should be extended from seven to twenty-one days.

The next point, Mr. Speaker, is section 60 (1). Section 60 at this time requires the person presiding in the Senate—

Mr. Anjien: Point of clarification, Mr. Speaker. The Attorney-General is referring to sections of the Constitution and I would ask him, from the point of view of clarity, to refer also to the amendments so we can follow them, and also follow in the Constitution. At the moment, Sir, he is referring mainly to the main Constitution, he is not referring directly to these amendments which we have here.

The Speaker (Mr. Slade): The Attorney-General is speaking to the First Schedule of the Bill, Part I. If you refer to that, you can keep up with him as he goes along.

The Attorney-General (Mr. Njonjo): I cannot help the hon. Member, Sir, because he has got my copy of the Constitution.

As you have said, Sir, I am now going through the sections of the First Schedule. I am mentioning the Constitution as it is now and also as it is in the Bill we are discussing.

Section 60, as it stands, requires the person presiding in the Senate to see to it that the Senate does not make any amendment to the financial provisions of a Bill. As paragraph (b) of subsection (1) of this section is at present worded, it is doubtful whether the Senate can make any amendment to any Bill which contains any financial provisions. Experience has already shown that this is unsatisfactory. There are times when just minor amendments have to be made to financial provisions of Bills after they have been passed by this House. It is therefore proposed that paragraph (b) should be amended so that the Government should be entitled to move to amend financial provisions in the Senate; a Minister or an Assistant Minister could then move an amendment in the Senate, not the Members of the Senate themselves. This House, of course, has a subsequent opportunity to consider such amendments.

It is considered a very good example which was dealt with by the Senate the other day. We had a Bill which was passed on to the Senate

and it had a financial provision in it. This was a Bill which has made before Malawi became independent and was not known as Malawi, and the word "Nyasaland" appeared in the Bill. Now according to the provisions of the Constitution as it is today, the Senate cannot amend, for instance, this particular word and change it to "Malawi" and therefore it had to come back here.

I have already said that this House, of course, has a subsequent opportunity to consider such amendments. It is considered that the restriction on the powers of the Senate is too stringent if it has to be read as preventing the Senate from making any amendment whatsoever to any Bill which contains any financial provision, however incidental that financial provision may be to the general purport of the Bill. It is therefore proposed to amend the wording of this paragraph (b) so that it is clear that it is only the financial provisions themselves which the Senate cannot amend, except, of course, when the Government moves the amendment.

Section 71 contains the provisions governing the amendment of the Constitution. As hon. Members will be now be well aware, the present Constitution is divided into entrenched and specially entrenched positions. The former may be amended by a Bill supported by a 75 per cent majority of all Members entitled to vote on the Second and Third Readings in each House. There is an alternative means of amendment by way of referendum to be followed by the passing of a Bill by a simple majority in each House. The specially entrenched provisions cannot be amended by referendum and the majority required on both Readings in the National Assembly is 90 per cent of all Members entitled to vote. In comparison with other constitutions, these provisions are unduly restrictive on the power of Parliament. It does not appear that there is now any need to make a distinction between entrenched and specially entrenched provisions. Some of the provisions of the Constitution which are specially entrenched are those relating to fundamental rights, the independence of the judiciary, the establishment and function of the Senate and the safeguarding of (Inaudible) It is the will of our people as expressed through Parliament and made very clear in previous debates on the Constitution that those provisions of the Constitution should be retained. Their safeguard, however, is no longer to be found in special majorities but in the general will of the people expressed through this Parliament.

The other provisions of the Constitution which are entrenched but not specially entrenched are

[The Attorney-General]

equally valuable to use and are equally safe in the hands of this Parliament without the presence of any exceptional majorities. In Nigeria, for example, the Constitution may be amended by a Bill supported by a two-thirds majority in the two Houses of Parliament. Such a requirement is a sufficient protection against ill-considered amendment. In the last resort—

Mr. Anjien: Mr. Speaker, on a point of order. I see the time is nearly finished and there is a point we wanted to have cleared up. In the debate on the second Constitution (Amendment) Bill, Members were allowed to speak for a long time, as long as they wanted. In regard to this Amendment Bill, are Members going to be allowed to speak as long as they want or are they going to be restricted to Standing Orders or thirty minutes or whatever it may be?

The Speaker (Mr. Slade): Oh no. The length of time for which any Member can speak during any debate is unlimited, except when, as provided by Standing Order, the House itself decides that there shall be a limitation of debate. The only resolution which has been passed by this House as regards limitations of time for debates have been those for Private Members' Motions and Motions for the Adjournment of the House, and debates on the Budget. So we will stand in the position whereby debate on any Bill, including this one, leaves any Member free to speak as long as he likes, so long as he remains relevant and does not repeat himself!

Would you like to finish off this particular point, Mr. Njonjo?

The Attorney-General (Mr. Njonjo): If I may, Mr. Speaker, it is just a small paragraph.

In Nigeria, as I was saying, Mr. Speaker, the Constitution may be amended by a Bill supported by a two-thirds majority in the two Houses of Parliament. Such a requirement is a sufficient protection against ill-considered amendment. In the last resort, the only real safeguard of the Constitution is that it is acceptable to the majority of the people it governs. It is therefore proposed by this amendment that all provisions of the Constitution should have the same protection, namely that they may only be amended by a Bill supported by a 65 per cent majority of all Members entitled to vote on both readings in this House and in the Senate.

I think this might be a convenient moment to break off, Sir.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. I therefore adjourn the House until tomorrow, Wednesday, 24th March, 1965, at 2.30 p.m.

The House rose at thirty-two minutes past five o'clock.

WRITTEN REPLIES TO QUESTIONS**Question No. 614****REGISTERED BUSINESS FIRMS IN KENYA**

Mr. Godia asked the Attorney-General how many registered business firms had been established in Kenya by—

(a) Europeans, and

(b) Asians,

and which of the firms had admitted Kenya Africans as shareholders and what percentage of all the shareholders in these said firms were Africans.

REPLY

The Attorney-General (Mr. Njonjo): As at 31st December 1964 there were 28,502 business names registered under the Registration of Business Names Act. There were also 6,447 companies registered under the Companies Act. In the past, records have not been kept of the racial origins of all persons who have established businesses in Kenya. I have now given instructions that such records should be kept.

Question No. 764**CONSTRUCTION OF EMBAKASI AIRPORT**

Mr. Theuri asked the Minister for Works, Communications and Power—

- (1) How much money had the Government spent on the construction of Embakasi Airport.
- (2) How many labourers had been employed.
- (3) How many had died while the construction of the field was going on.
- (4) Had their relatives been compensated, and if so, how much money had been received by them.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, I am surprised that the hon. Member says he advised the Government because I remember the single time he came to our Ministry. He came with the chairman of the board. We also discussed this at length, but there was an agreement between the board chairman and the Minister on this issue. The hon. Member did not come as an appointee of the Minister to tell him what he felt should happen on the board. He came as a delegation sent by the board, Mr. Speaker. However, I think it is only right that a Member appointed by the Minister—an hon. Member of this House—is subject to come and tell the Minister what his dissatisfaction is on the board, so that the Minister can rectify things. If he is sent by the board to complain, then he is not acting in his capacity as a Member of Parliament appointed by the Back-benchers on that board. He is coming as a delegate sent by the board to come and place facts and points of arguments before the Minister. I do not think Members should know this. Hon. Members might be surprised that we have had reports from some boards where hon. Members of this House have gone on these boards. They have only said "Good morning" to other Members, sat until the end of the time and gone away. Now, such a Member coming here and blaming the Government for not appointing Members on boards or not appreciating the advice, will not be justified because a Member going to a board meeting and then sitting quiet throughout the meeting—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, could I ask for substantiation of the position as stated by the Assistant Minister for Agriculture in this House? I would like him to substantiate, because this is most important for members on various boards, which of these boards members have gone to only to say "Good morning", sit and then go away without contributing. This is most important.

The Speaker (Mr. Slade): I think the hon. Member is entitled to ask for substantiation.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Yes, Mr. Speaker, I will substantiate this by saying that an hon. Member who was appointed by the Back-benchers to sit on the Egerton Board of Governors had hardly contributed to the board until this was brought to our notice and we called for him promptly because the time for appointing another member was not due. We understand he is now very active on this board, and even over-active, because he wants to speak for long times. This was before we called him and gave him advice.

So, Mr. Speaker, hon. Members of the House can see the position in which our Ministry is sometimes put.

The Speaker (Mr. Slade): So you were speaking of the past rather than of the present?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Indeed, Mr. Speaker.

Coming to a conclusion, Mr. Speaker, if I may finish what the hon. Member for Homa Bay said, that the system of appointing members on the corporation is not satisfactory, of course, the hon. Member had in mind that we should appoint members strictly from different provinces and so on. I would remind the hon. Member for Homa Bay that the Central Agricultural Board under which we want to bring all other statutory boards as committees—if I may mention this at this stage—has political representatives from all provinces now, people elected by popular votes in different provinces. The Central Agricultural Board is a board which is going to advise on these projects and a board which is going to receive a project right from the district so that it puts it on the evaluation committee which I spoke of when I was moving this Bill. So, the hon. Member should rest assured that no place will be forgotten in Kenya, because this is a board which is going to look into this before it goes to the Agricultural Development Corporation. The Central Agricultural Board is going to look into it, is going to discuss it, and this board has political representatives from different provinces of this country. My friend also said something about clause 12, that it is not given in this clause that the corporation can initiate any project. The hon. Member refused to read the whole of the clause, I think, Mr. Speaker, and when my friend, the Assistant Minister for Development, interjected and said he should read further and find out that what he was saying was covered in the clause, the hon. Member did not want to read further, but I will read now for him, Mr. Speaker, if he does not have the Bill in his hands, that the functions of the corporation shall be to promote and execute schemes for agricultural development and reconstruction in Kenya by the initiation, assistance and expansion of agricultural undertakings for enterprises. The initiation is there, but the corporation will have—

Mr. Ngala-Abok: On a point of correction, Mr. Speaker, Sir, I stated that it is not put down that the corporation itself be initiated, but it is stated there that the corporation will be assisted by agricultural enterprises and other bodies. I did not want it to be that way, I wanted that body to be responsible for the initiation of these programmes.

[Mr. Ngala-Abok] that would be what another body has handed over to me, and secondly, the body was not merely going to be used for schemes which were started by other enterprises or other organizations. This is what I stated, Mr. Speaker.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): If that is what the hon. Member said, indeed it is still wrong, Mr. Speaker, what the clause says here is that the board is going to initiate projects, and assist these projects and expand them. That is what is said here, Mr. Speaker, I am subject to correction. My English might be limited, but I will read this clause again: "The functions of the corporation shall be to promote and execute schemes for agricultural development and reconstruction in Kenya, by initiation." Now, Mr. Speaker, the corporation will be initiating a project and then assist that project and expand it.

I see, Mr. Speaker, the hon. Member has now agreed with me, and maybe he just overlooked it when he was pressing a point of argument.

Mr. Speaker, Sir, I will assure the House on what the hon. Assistant Minister for Development said, that we are considering very seriously in the Ministry of Agriculture that boards that have overlapping duties, boards that have duplication, will come together, and we are on the verge of thinking how to do this, and I think hon. Members should give the Ministry time to do this, so that we bring all these boards that are overlapping under one board, and eliminate or reduce the number of boards that were started formerly by the Colonial Government. May I also point out here that the hon. Mr. Mwai Kibaki said the corporation will want a general manager and other people, whether he comes from overseas or under-tenants, as some people put it, and I would like to remind the House that they have seen in our local Press vacancies for posts advertised from as far away as Malawi and Zambia, looking for technicians who cannot be found in their own country. If we have advertised a post and find that we cannot get local people, I think the hon. Members will agree that we might take the initiative of advertising elsewhere to get a person to do a job of this kind. I am not saying, Mr. Speaker, that we are going to do this, because we have not advertised the post, and we have not failed to get a qualified person to do it. I am only saying that if we fail, which we hope we are not going to do, we might be able to advertise elsewhere, overseas, underseas, for the post.

With these remarks, Mr. Speaker, I beg to move.

(Question put and agreed to)

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

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL.

The Speaker (Mr. Slade): Before calling on Mr. Njonjo to move the Second Reading of this Bill, I will remind hon. Members that the Bill that was published was amended in one particular place, that is clause 15, subclause 2, in that the date 12th March 1964, was changed by the publication in the Gazette to 12th March 1965. It is the Bill as so amended that has had its First Reading and is now the subject of this Second Reading.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move the Constitution of Kenya (Amendment) Bill (Bill No. 53) be read a Second Time.

Mr. Speaker, this Constitution of Kenya (Amendment) Bill, 1965, continues, it is hoped, the final instalment of the important and substantial amendments which the Government proposes should be made to our Constitution. It has been necessary to amend the Constitution piecemeal, in fact, we have chopped it about so much that hon. Members will want to know when they will be seeing the Constitution in a reasonable form.

The Government is anxious to produce a final and revised Constitution as soon as possible. I am more anxious than anyone to complete the revision. I have to spend more time trying to read it in its present and mangled form than anyone, so it may be convenient if I begin by reminding hon. Members why it has been necessary to come to Parliament with three Bills, to explain to Members how the Government proposes to finalize the Constitution as soon as possible.

The first priority last year was to establish the Republic on the first anniversary of our Uhuru, to create a republican form of Government suited to our way of thinking, and our traditions, and to restore a strong Central Government. Hon. Members know that the first amendment, No. 28 of 1964, achieved some of these objects, but we were unable to include the necessary amendments to the specially entrenched provisions of the Constitution which could only be amended with a 90 per cent majority in the Senate. The passing of that Act was followed by the achievement of national unity in both Houses. This facilitated the passing of the second amendment, No. 38 of 1964,

The Speaker (Mr. Slade): That is correct.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I was, Mr. Speaker, telling hon. Members that clause 5 (2) does say that the corporation may co-opt a person whom they think will give them advice and assistance as they may require. Here, of course, people from different provinces will be required.

The Member also asked why the Minister for Finance would not be consulted when appointing the Members. I think that my friend and colleague should have known that it is understood that we in the Ministry of Agriculture do not have anybody who has knowledge of international finance. He knows very well that we are only people who are concerned with agriculture and it should be understood that his Ministry is going to be consulted on the appointment of these people, because we do not know them. This should be understood, that because we do not put that the Ministry of Finance is going to be consulted, then the Minister for Finance is not going to be consulted. He is referred to in many places, but here it is understood that he is the person who is going to give us the people because it is his Ministry which knows these people, which knows the accounts, which knows the Act referred to. We in the Ministry of Agriculture do not know anything about this Act and the people qualified in that Act, so I presume it is understood that the Minister for Agriculture will consult the Minister for Finance.

The appointment of Members of Parliament brings me back again to what I said, that the Bill is going to be amended in the Committee stage, to increase the number of members to the corporation from six to ten. Therefore, hon. Members from this House—not all of course—will be appointed under this Bill. Although my friend said that the person to be appointed under clause 5 (iii) must be a person who has a knowledge of processing and marketing of agricultural produce, and also must know where to find money, I beg to differ. I am not a financial person, but I beg to differ with my friend. A person qualified in marketing, I think, should know where markets for his produce are, but he does not have to know where money is to be found. There should be somebody to know where money is found. People in the Ministry of Co-operatives and Marketing should then come under the Ministry of Finance, because people who qualify under clause 5 (iii) and who know where money is to be found should not stay where they are. I do not understand the logic of this. As I have said, I am not a man qualified in finance. My friend may be knowing better that somebody qualified in marketing

knows where to find money. I know a bit about marketing and I would advise him that those who market their produce do not know where money comes from.

Mr. Speaker, may I quickly run over what Mr. Khasakhala said. He laboured at length on the difference between the Land Bank and the Agricultural Finance Corporation and the Agricultural Development Corporation, which is in the Bill we are now considering. Sir, as I have said before, I will not tire the House on this. These three bodies are completely different, particularly the last one, the one we are debating now, is completely different from the other two. The hon. Member challenged clause No. 5 (ii) which says, "not less than one person shall be appointed by reason of his knowledge of international finance". Now the hon. Mr. Khasakhala wonders why this person should be called this, and what the difference between such a person and a person appointed under clause (i) is. Well, Sir, we have consulted the Ministry of Finance; as I have said, we people in agriculture are not very learned in finance. They have advised us that these two people are completely different from each other, and the person qualifying under section 5 (i) does not necessarily need to qualify under section 5 (ii). So the hon. Mr. Khasakhala should rest assured that we had advice from the Ministry of Finance on this aspect.

He also challenged the meeting of the corporation. Sir, indeed it could not be said here that the corporation will meet one time in Western Province and another time in another province. I would assure the hon. Member that the Central Agricultural Board, which is also working under a Bill of this kind, its meetings have not been included in the same Bill. It is meeting, at this moment while I am speaking, in Nakuru. It was not included in the Bill that it would meet in Nakuru or anywhere. The Administration arranges when it is necessary for the board or the corporation to meet in a place where there is a project for them to see. So, it is not a specific point that the corporation's meetings are going to be held in Nairobi, and the hon. Member should agree that we should leave this to the administration of the corporation to decide on where they will hold their meetings. I do not see how they can debate or discuss a project which is going to be in a distant place, if they have not had a meeting and seen what this place looks like. I think they are going to do this.

Mr. Speaker, Sir, may I comment on what Mr. Kamau said. He spoke at length on clause 16, and I have answered about those two phrases, so I have answered his query on clause 16. He said

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These people should not be exempted from law, but they are not exempted from law here, Mr. Speaker. It is only a matter of protecting them because of the advice they give, if it has nothing to do with negligence. Mr. Kamau went on referring to the general manager selling maize in foreign countries at a low price because he wants the maize industry to fall. Now, may I remind the hon. gentleman, that he thought the general manager of this corporation was going to sell maize. No, he is not going to sell maize. This man is going to deal with projects and not sell maize to foreign countries, and I think the hon. Mr. Kamau overlooked the point that there was no maize mentioned which the general manager was going to sell.

Commenting quickly on what my friend, the hon. Thomas Malinda said, Mr. Speaker, I can assure him that projects like the Yatta Furrow in Uluambani is going to be catered for by this corporation. He might not know at this time that when we had a foreign country investigating this project of Yatta Furrow, the country has turned the project down. It did not want to adopt the project. We cannot depend on foreign countries coming to work for us here. It is the corporation which is going to take up a project like the Yatta Furrow and go ahead with it. Whether this foreign country is willing to help us or not, it is up to them. So the hon. Member from Uluambani should rest assured the Yatta Furrow is one of the projects—I only mentioned a few—which is going to be handled by the Agricultural Development Corporation.

Many of the points which the hon. Mr. Malinda mentioned I agree with and I will look into two of them to see if we can make amendments. I am going to see the Attorney-General about these points, to see if amendments can be made at the Committee stage.

Coming to what Mr. Ngala-Abok said, Mr. Speaker, it is unfortunate that when I was moving the Bill, the hon. Member for Homa Bay was not in the House at that time and he started speaking very wildly about the Bill. The hon. Member made me laugh at a stage when he said that a Minister would call a critic on a board and tell him to keep quiet. I was waiting for the hon. Member to say he has been called because he is a member of a board and he was appointed by the Minister on this board. I was waiting for him to substantiate. That is why I did not rise on a point of order for substantiation, Mr. Speaker. I was waiting for the Member

for Homa Bay to tell us that he has been called by the Minister, who appointed him to the board, and told to keep quiet because he had been a critic. Indeed, the hon. Member for Homa Bay has been a critic on the board which he attends and has been very helpful to our Ministry. There has not been any time that we have called the hon. Member and told him to keep quiet on this board, because we know of the suggestions he makes, we get the minutes, and we are always pleased with the suggestions he makes on this board. So the attack my friend made was very unfortunate.

He also said that there had been a lot of foreign advice on many of the boards in Kenya, but I do not understand what the hon. Members want. I do not know whether they want my Minister to go and sit on this board and fight the foreign advice that might be given on the board. We appoint hon. Members and other African members on this board simply because we want them to understand what is happening on this board and advise us, advise this Parliament advise the public and advise the Ministry. Hon. Members have not done this and I would like to ask if the Parliamentary Group of this Parliament has ever been advised by any Members who sit on this board, and there are quite a number of them.

Mr. Anyieni: On a point of order, Mr. Speaker, the hon. Member is saying that the Members who have been appointed to these boards have not advised the Ministry and they have not advised even the Parliamentary Group. I would like him to substantiate. I substantiate that we gave our advice and they have not heeded our advice. He must substantiate that we have not.

The Speaker (Mr. Slade): A general allegation of a negative is practically impossible to substantiate, but I think the Assistant Minister will give way long enough for Mr. Anyieni to quote an example or two which show he was wrong.

Mr. Anyieni: Mr. Speaker, Sir, the hon. Assistant Minister is saying that Members are nominated to boards. I am one of the people who has been nominated to a board, that is the Maize Marketing Board. The price of maize is Sh. 32/50. We advised Government that this price was too low and there was not enough maize in Kenya. To induce farmers to grow more maize, Government should increase the price. Government completely rejected this advice and instead Government made an order for maize to come from the United States at Sh. 57 a bag.

The Speaker (Mr. Slade): I think now Mr. Osogo had better continue.

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the National Youth Service and, indeed, after the clearing of the bush by the National Youth Service, something must be done to develop the valley, and this development is what I said the corporation would look into.

May I come quickly to what the hon. Member for Majogo-Bassi said in his speech. Indeed, he accused me of having said that we would not be able to find an African general manager in this country. Mr. Speaker, of course, I raised a point of order, because I did not say that; I only said that hon. Members of this House may help us in trying to think of a suitable person to be the general manager of this corporation and suggest a name to us which we are going to consider. In fact, it would be a great help to us if hon. Members picked this person out and told us the person they have in mind. Of course, as the hon. Member for Majogo-Bassi said, it is not the intention of this Government to pay a general manager of this board very lavishly; we can only pay what we can afford. We are going to pay this general manager quite a little amount that he will not feel happy, but we are not going to pay him Sh. 15,000 per month, as the hon. Member for Majogo-Bassi suggested, saying that we are at present paying general managers as high a salary as that figure. I will assure the House that the salary of the general manager of this corporation is going to be in keeping with what the Government can afford to pay him, and it is not going to be very high, although I cannot quote the figure now. I would not suggest, Mr. Speaker, that it should be below or above the Ministers' salary; this, of course, is going to be left to the Treasury who are always consulted before such salaries are determined.

The hon. Member for Majogo-Bassi, again, said that he wanted to know whether these foreign representatives are going to earn salaries or are going to sit on this board permanently, whether they are going to live here or in their embassies. Sir, these people are not going to get salaries on this corporation and, in fact, it would be a mistake for them to ask for salaries because it will be money they have lent to us and we are not prepared to pay them salaries from the money they have lent to us. So these people will only be getting allowances from the corporation from a vote which is going to be set aside, but wherever they are going to stay it is upon them. If they are coming to attend meetings, we are not going to pay a lot on their transport from wherever they come from to this country; we are only going to pay probably their attendance allowance and subsistence allowance on the days on which they

attend the meetings. Where they live and where they stay is a point for them to take care of.

The hon. Member also said that there should be people appointed to look at this country's problems at large. Indeed, I agree with the hon. Member for Majogo-Bassi. I am of the opinion that members appointed on this corporation should not concentrate themselves in one quarter, as, it has been said, the former Colonial Government used to concentrate itself in one section of this country. It is a body which is going to look into all projects, and by all projects I really mean all projects, because these projects will have come from all districts in this country and will have been included in the development plan of this country.

The hon. Member, too, said that clause 16 gives protection to members, individuals of the corporation. Sir, I will inform the hon. Member that if he had read this clause very, very carefully, he would have seen that there are two very, very important phrases in it. One is "in good faith" and the other is "without negligence". These two phrases are very important and as the hon. Member gave us an example of a general manager who advised that maize should be sold to a foreign country and then we ran short of maize, I think—

Mr. Anyten: On a point of order, Mr. Speaker, the Assistant Minister is misquoting me. When I made my speech, I made reference to a group of individuals who sold maize—about half million to a country, and after one year we had to order maize from the United States, another half million, but he is saying that I mentioned the general manager and I did not specify one man; I referred to a group of people.

The Speaker (Mr. Slade): I think that is so.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I am sorry, Mr. Speaker, if I did not understand the hon. Member's statement and withdraw what I said. Indeed, this group of individuals—and the hon. Member for Majogo-Bassi is a member of the Maize Marketing Board—should have brought this up in the board and then it would have been found whether it was in good faith that they did this and, and obviously, if the board found that it was through negligence, they should have been brought into the court of justice and made to pay for the losses they made. Where we mean here, Mr. Speaker, is a technician advises that sugar-cane should be planted in a certain area—say in the Mumias area—and then, unfortunately, a national disaster occurs, like locusts coming and eating

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only an amendment of the Agricultural Land Bank which was passed in this House before many of us came here, in 1963. At this time I am the one who is particularly looking for ways and means whereby we can revoke the amendment which set up the Agricultural Finance Corporation and bring it together with the Land Bank. Of course, hon. Members will appreciate that the work of the Land Bank and the work of the Agricultural Finance Corporation is quite different from the work which is going to be done by the Agricultural Development Corporation, because in so far as the Land Bank and the Agricultural Finance Corporation deal with individual farmers, the Agricultural Development Corporation is not going to deal with individual farmers, it is going to deal with a section.

Mr. Speaker, may I also assure the House that the corporation is not going to be interested in the battle on the ground, that my hon. friend, the Member for Majogo-Bassi said, where a project is started and then one finds someone who says he can do it better. This is not going to be so, Mr. Speaker. What is going to happen in this corporation is that a project initiated from the district and then accepted by the Cabinet Development Committee is going to be put to this corporation and going to be financed by the corporation, not before that. So I do not see where countries will come in, fighting over where when the Cabinet Development Committee will have directed that this project is going to be initiated and is going to be financed by money from such-and-such a country. This, of course, is given in the Bill, in section 20 where it says: "The Minister may, after consultation with the corporation, make rules generally for better carrying out the purposes and provisions of this Act, and, in particular and without prejudice to the foregoing generality, make rules for (a) raising such loans and making investments, on such terms as the Minister may, after consultation with the Minister for the time being responsible for finance, approve". Of course, all these things are going to be with Government approval. The Government is going to be answerable to this House when anything goes wrong.

I would also remind hon. Members here that section 18 (2) provides that the annual report of this corporation shall be laid on the Table of this House and is going to be subject to questioning by this Parliament.

Sir, may I come to what my friend and colleague, the hon. Mr. Okelo-Okongo said. He wanted to know why there should exist the Land Bank, the Agricultural Finance Corporation and this new corporation. Sir, I would inform the House here that my Ministry is in the process at this time of finding ways and means of putting the Land Bank and the Agricultural Finance Corporation in one corporation, because Mr. Speaker, the Agricultural Finance Corporation is

only an amendment of the Agricultural Land Bank which was passed in this House before many of us came here, in 1963. At this time I am the one who is particularly looking for ways and means whereby we can revoke the amendment which set up the Agricultural Finance Corporation and bring it together with the Land Bank. Of course, hon. Members will appreciate that the work of the Land Bank and the work of the Agricultural Finance Corporation is quite different from the work which is going to be done by the Agricultural Development Corporation, because in so far as the Land Bank and the Agricultural Finance Corporation deal with individual farmers, the Agricultural Development Corporation is not going to deal with individual farmers, it is going to deal with a section.

It is going to deal with the section for development, a big section for development, and no individual comes into it. The hon. Member said that he was not happy with the composition of the corporation. Indeed, Sir, I do not agree with him. I would point out that it was because my hon. friend did not know why the Permanent Secretaries of the three Ministries were needed to sit on the board. They are needed to sit on the board to convey the technical aspects of the different Ministries. That means we have the Permanent Secretary from the Ministry of Finance. He has to bring the technical aspects from the Ministry of Finance. The advice from the Treasury is brought by the Permanent Secretary from the Ministry of Finance. Somebody could represent him, whom he delegates powers to in writing. So will the Permanent Secretary from the Ministry of Agriculture who will bring the technical aspects of it from the director who is a technician, who is not as you can see provided for on this board. The Ministry of Economic Planning sends a Permanent Secretary to advise on the development and planning of this country. I do not think my friend understood why these people should sit on this board.

The hon. Members mentioned section 5 (2). It says, "That the corporation may co-opt to serve on it for such length of time as it thinks fit any person or persons whose assistance or advice it may require." Here it brings to light the regional representations my hon. friends have asked about. If we feel there is a project in a province where a representative will come and advise—

Mr. Anylen: On a point of order, the hon. Member speaking has said that a Member referred to the regions, but instead he referred to the provinces. I think up to this time it is still regions. Until the Bill is discussed to date I think it is regions.

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corporation running all these functions instead of having five, six, or ten corporations. I think, Mr. Speaker, this is entirely wrong because experience everywhere has shown that if you have a large corporation, one general manager sitting at his headquarters, one general manager sitting at his headquarters with regard to the smaller branches because if you have one corporation there must be central authorities which finally have the responsibility of deciding on matters of finance, recruitment and on other plans. Now if you follow this type of plan, Mr. Speaker, by sheer experience in many countries, that this sort of corporation tends to be far less efficient than functional corporations such as we are now setting up. Hon. Members could well imagine, that if instead of the fifteen or twenty corporations we have in agriculture we had only one central organization. I do not know where you would get the "superman" who, at the head of this would be able to appreciate, Mr. Speaker, the marketing of meat, the marketing of sisal, marketing of pyrethrum, marketing of coconuts, etc., and Mr. Speaker, at the same time will not only borrow money but will centrally direct the operation of all those central industries. I think it is fallacious and as you can see, the equivalent examples in so many countries have proven that these centralized organizations do not function efficiently.

Now, Mr. Speaker, what has been found necessary is that these corporations be split up and put on a functional basis so that you have one corporation dealing with one product. As it is now, each of these corporations deals with an industry worth £5 million to £10 million this I would think is a big enough job, difficult enough for any one person to handle and therefore, Mr. Speaker, I think the hon. Members will agree that the more efficient line to take is to have these functional corporations whilst assuring that we do not have too many of them and that they never overlap one another and duplicate each other's function.

Mr. Speaker, I would like to turn to one other point that was raised which is entirely erroneous. I think it is very unfair to accuse the Ministry of Agriculture, under clause 5, that the conditions or qualifications required of the gentleman that shall be appointed make it impossible for us to appoint local people. This is not true, Mr. Speaker. These qualifications are not rare at all, in fact it just shows that we have ourselves not taken the initiative to look into the matter to see who is available in Kenya. You

would be surprised, Mr. Speaker, to see that when the advertisements are put up for these type of appointments to see the number of Kenya Africans who qualify in this field and there are more coming back every day.

An hon. Member: From where?

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): From universities everywhere. It is wrong for us to imagine, or for us to state that we will not have people who have knowledge of international finance, knowledge of marketing, knowledge of accounting, knowledge of marketing, knowledge of accounting, and in fact, many people in these fields and in fact, many people you need these types of people you will find that you always have them available. That should ensure that there will be no shortage of qualified people should there be a demand.

That should ensure that there will be no problem at all in having the local qualified people. One point, Mr. Speaker, Sir, ought to be made, and this is clear in our own minds, if any hon. Member here wants himself appointed as general manager of a body so intricate as this one, he would be the first person to accept as a criterion for choosing the officers and members of this corporation, that they should be people who can do good service to the country. It is so often clear to those people who operate this kind of corporation, if they want someone to help them with international finance, if they cannot find a local person, I am sure everybody here, Mr. Speaker, Sir, would agree with me that in the interest of the country and of the corporation that they should recruit an able and efficient person wherever he may be from, even if he is not on contract but on temporary terms.

An hon. Member: Not from overseas?

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): One hon. Member shouts not from overseas. He fails to see that what we require is skill, whether it comes from overseas or underseas or by the seas; this, Mr. Speaker, Sir, is by the way, it is irrelevant. What could come from under the seas or by the seas, but what we want is that we should have one qualified person to advise us. These are intricate matters and these people who take the trouble today to consult the people who are operating our various marketing boards, they will know that this is a technical job and that it requires a qualified person.

Now, Mr. Speaker, Sir, I have no intention of speaking at length because this Bill is self-explanatory, everybody wants it, but I would like to make

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one final point, Mr. Speaker. What I really hope the Ministry of Agriculture will do is to ensure that this corporation when it is established will have the first option in taking over and operating the mismanaged farms, the abandoned farms which the Ministry of Agriculture is taking over. It should be the function of this board, and the Ministry of Agriculture should ensure that these farms are not put out to tender for sale to anybody else, and that these farms, once taken over by them, then they will not be the nucleus given over to this board, and looking at it from the point of view of investment, it would be quite a good thing for this corporation to start off with farms like that and then run them properly.

Now, Mr. Speaker, Sir, with these very few words I would like to support the Bill.

The Speaker (Mr. Slade): I will now call upon the Mover to reply.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I am indeed delighted that hon. Members have seen the need for establishing a corporation which is going to cater for agricultural projects in this country, and I must thank all hon. Members that have spoken and those who have not shared in the debate in this Bill, for their cooperation and the points they have raised in the debate.

Mr. Speaker, Sir, I stand to apologize for not having told the hon. Members, when I moved this Bill, that these were amendments to be moved in the Committee stage on this Bill, and one is going to be in clause 5, the number of members in this corporation is going to be raised to ten from six. This is going to allow our Ministry to appoint a Member of this House on to the corporation, so that he can be answerable to Parliamentary Groups of the Parliament. I am very sorry that I overlooked this in my speech when moving the Bill.

Mr. Speaker, Sir, I would like to start by answering points raised by the hon. Member in the course of the debate and I will start with the hon. Mr. J. M. Kariuki, who congratulated my Ministry in initiating this Bill. I must also thank him because he was among those people who thought that it was high time we started a corporation of this kind. He said in his speech, Mr. Speaker, that most of the contributions will come from overseas. This, of course, is not very true because, as I said when moving the Bill, it is the Government's intention that a lot of little savings

that can come from Kenyans in this country should be deposited in this corporation, so that the savings can be used for the development of this country.

The hon. Mr. Kariuki went on saying that the citizens of this country should make contributions to this corporation. Indeed, Sir, this is the thing we are after and it will be of great help if hon. Members told citizens of this country to deposit some of the savings they make in this corporation, so that the money they make can be used effectively and nicely in this country's development.

Just as the hon. Assistant Minister for Development has said, it is our basic point that the first item the corporation will have to deal with is to take over the mismanaged and abandoned farms. This is one of the main things the corporation will have to deal with, and the hon. J. M. Kariuki mentioned this and said that it is very important that the rehabilitation of these abandoned farms should be undertaken by the corporation. Indeed, the corporation is going to undertake this immediately it is initiated. Then, of course, it will run these abandoned farms and, as the hon. Mr. Kariuki said, hand them over eventually to cooperative societies or companies that may be able to run them.

It has been put across, Mr. Speaker, that the corporation will be directing what projects are to be initiated. It was unfortunate that when I was moving this Bill many hon. Members were not in the House and they did not hear me refreshing their minds on how a project starts right from the home district of hon. Members. It is true that this corporation is not going to direct a project. It has to get a project from the Government, a project which will originate from all districts in this country. As the hon. Mr. Mwai Kibaki has said, clause 12 (1) explains very, very clearly that the corporation is going to help to initiate, after advice of the Cabinet Development Committee, and help a project to start and be on a good footing.

Mr. Kariuki said that the employment on the projects should not come from overseas. I could not agree with him more; in fact, it is the intention of the Government that all these projects should employ all the local people possible, both technical and labour: that is, on any projects which will be taken over by the corporation. The National Youth Service programme is not going to be interfered with by the corporation. I only mentioned the Lambwe Valley as an example, but I am aware, Mr. Speaker, that the clearing of bush in the Lambwe Valley is being undertaken by

[Mr. Mallind]

Again, Mr. Speaker, Sir, there is a provision here that says that if on the advice of the corporation the Minister removes a person from the board, I would like to know what is done about it, because Mr. Speaker, if the corporation could gang up and recommend to the Ministers that so-and-so is not suitable to sit on this board, how is the Minister going to tell that they are telling the truth, that what they are actually doing is in the best interests of the corporation. What, if any, provision, is there for a Member who has been removed like that to appeal, either to the Minister or to a President, or to anybody else? There should be a provision of appeal for a member who has been removed due to something to do with the ganging up of other members of the board. As it appears, Mr. Speaker, this board—although the Minister will tell us that he will try as much as he can to appoint Africans, apart from the three civil servants, and the three Permanent Secretaries—will only have about one or two Africans, the rest being foreigners. This explanation is there. There is a description of the members who are going to be appointed to the board. Very few, if any, are going to be Africans.

Now, Mr. Speaker, Sir, further on, we have another clause: A person who has been in prison for a term of six months— Now, Mr. Speaker, Sir, we have had this before because this is typical of colonialist legislation. Mr. Speaker, it was impossible for a Member of this House to remain a Member of this House if he had been in prison for six months. Now, there are several reasons that could cause somebody to go to jail for six months or even longer. For instance, Mr. Speaker, if a person should go to jail on a traffic offence, is that really a reason why he should not serve on this board? Therefore, this section should be clarified, and made most specific as to show what offences would make a member not eligible to continue as a member of this board.

Now, Mr. Speaker, Sir, section 10 does not make me very happy because it mentions the common seal of the corporation. The common seal of any corporation is the supreme instrument that has to be used in that corporation to signify that that corporation has given that particular order or has acceded to that particular transaction. The seal of this corporation is going to be authenticated by the signature of the chairman or such other member of the corporation as may be authorized by the corporation to act on that behalf together with the signature of some other member or officer authorized by the corporation to act on that behalf.

Mr. Speaker, Sir, I think that Kenya, as such, is not represented in the signing of these docu-

ments. The seal of the corporation should, in my view, be authenticated, in addition to those already mentioned, by one of a Kenya Government representative, by one of the Permanent Secretaries of the Kenya Government, to show that the Kenya Government is part and parcel of that particular transaction.

Again, Mr. Speaker, I should like to mention section 14, where the general manager is supposed to be appointed by the Minister. I do not want to go back to what the Assistant Minister said, but it would seem as though, according to the Assistant Minister's opening remarks, that the man who is going to be appointed is going to be one of these big capitalistic-minded people who is probably not going to listen to anything that is being proposed by the other people because of its uselessness, according to the Assistant Minister.

Mr. Speaker, Sir, that should be taken into consideration in choosing the proper person to be general manager of this corporation.

With those few remarks, Mr. Speaker, Sir, I wish to support.

Mr. Ngala-Abok: Mr. Speaker, I wish to support the Bill, but at the same time I wish to comment on some sections, and in observing them I would like to warn the Ministry of Agriculture of the danger of borrowing money from private sources, from international banks, from commercial houses, and probably partly from the Kenya Government's finance corporation. It is very important that we should not start with money from outside, unless there is a genuine reason for starting it, I think it will most probably serve the country well. I am not very convinced as to what is now happening in the corporation in the country. We have the Ministry with its executive officers, we have a number of boards under this Ministry, and the boards have been already mentioned by the former speakers, and I should not like to support this Bill, but because I have observed in some places that it will help, I would just like to make these observations, that the Ministers, and particularly the Minister for Agriculture, has to remember that under that particular Ministry there are so many boards and corporations now that some of them should be squashed and replaced by the most genuine ones.

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

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

If the Ministry feels that this is important, then this corporation is going to be more important than others, and the Ministry must find ways, as

[Mr. Ngala-Abok]

my colleague has said, of cancelling some of the boards that have been already created. The argument I have with this is that the sources of money for the establishment of this corporation are not so great of sources that will help the people of this country to promote and see the usefulness of this corporation, because if the World Bank gave money for the formation of this corporation, or some of these commercial institutions which are in the hands of foreigners, I think that this corporation would be run indirectly by the people who lend money for its formation. This is happening in many fields. The Kenya Government does not have an independent board in this country or an entirely independent corporation that is run by the Kenya Government, as such. As long as we do not devise ways and means of running our own corporations financed by our own local money, we are still heading to a very big disaster. I would like the Ministry to think in terms of getting a particular place or getting ways and means of raising money locally to initiate or to establish such a corporation. It is most important that we should try this for ourselves for getting our own money to run such important corporations. We know from history that there are many boards in this country, there are many bodies, many corporations, financial corporations and so on, that will never allow the Ministry to keep clear of its policies. If a Minister wants to think of a policy towards a certain object or a certain matter, he has to take months going from board to board consulting these boards, to see if these boards are helped by money from outside. The advice that is given to the members of this body will be purely foreign so that nothing could be done easily and swiftly for the interests of the country. This is actually a thing that we must now try to avoid. If I found that the source of the money was local, clear-cut, I would have no objection whatsoever to this particular clause or to the explanation given by the Assistant Minister. What we are trying to avoid actually is to borrow money from time to time for any body or institution that we want to start.

In this particular case, that of this corporation, I am not convinced that the duties that the corporation is going to carry out have not been previously carried out by any other institution. In fact, when the functions of the corporation were explained to us, I thought that they were really being carried out even now, although this corporation has not even started working. If there has not been any body or any organization that has been carrying out these functions, either within the Ministry itself or as part of the functions of

some of the other boards, then an Assistant Minister will tell us. There is no genuine reason for us to authorize the use of a lot of money for four times a year, getting allowances, moving from place to place, touring districts or areas, observing and coming back to sit in the office, propagating as usual.

This is a thing which should be avoided, and if I may be allowed to comment briefly on section 5 which deals with the membership, I can see very clearly that once this body is formed the Members of Parliament may not have any say as to what the corporation should do unless the Minister permits it. You see, Sir, Ministers are not very open about coming to Parliament with matters which they know they can avoid bringing forward. So here, the members of this corporation will be directly responsible to the Minister and their appointment will be considered, decided and controlled by the Ministry itself. If the Minister did not like an individual, due to political reasons, one could not benefit from the deliberations of a corporation like this one.

I would like to see a system of election of the members of this corporation which is now acclaimed by the Assistant Minister as a very important body. Its importance could arise from the members appointed to the corporation itself; a system of appointments would give us reason to think that it is going to be of no use at all. And then we see that a single person is going to be responsible for each and everybody, and then we receive circulars from the corporation, saying that the corporation has decided this and that and the other and yet it is decided by a Minister or by an individual. We are not prepared to see things being done in a colonial way, when things were decided by one person and nobody else. If corporations such as these are to be run for the benefit of the ordinary man in the country, we must see institutions or organizations or giving local level appointing or recommending or giving a panel of names to the Minister. But here we see that the Minister is going to select people from London University or the University of Toronto, etc., sending them here to issue propaganda for the benefit of their own country. This is ridiculous in my opinion.

I very strongly object, Mr. Speaker, Sir, to this system of doing things. This is actually what we have criticized from time to time. I would like to congratulate our Government on having taken into account the number of criticisms brought during the last year, because we have seen a number of reshuffles and so on, and we

[Mr. Khasakha] will have to be paid by the Government. If not the Government who else will pay them? If they have to be paid, I do not see the reason why the Ministry could not find a way to combine all these three into one and then have subsections with advisers, so that when they meet, they meet as one board or one body, and decide on functions and put all this money into one pool. It is going to confuse the public. Mr. Deputy Speaker, because the people will want to know who to go to when they want money for a certain development. It appears as though it is another method to confuse us so that we will not know what to do. If you go to the Land Bank you are told, "This is not our *shauri*, go to the Agricultural Finance Corporation." When you go there they say, "No, this is too technical. It is a big project, go to the Agricultural Development Corporation." Then we find ourselves nowhere.

I would appeal to the Minister to find a method to put these three into one organization, and let this organization be the financing organization.

The second observation I would like to make, Mr. Deputy Speaker, is on clause No. 5. It appears as though the appointments—I know that they have to be done by the Minister for Agriculture—for the representatives do not cover the whole of Kenya. I do not see where the provinces are represented on the board. Just having a quick glance at the representations, it appears as though we are tending to stick to the old imperialist practice whereby projects are carried out on one side of the country, while the other side of the country is forgotten completely.

I have a criticism on this, Mr. Deputy Speaker. I would like the Assistant Minister, when he answers, to tell me the reasons why the Ministry did not find it feasible to have representatives from various provinces on this corporation because I feel it is very important to have representatives covering the whole country so that projects can be scattered throughout Kenya. If we leave it as it is, Mr. Deputy Speaker, it will not be long before I will complain that my Western Province has been forgotten. I will not be alone; other people will say the same. I know that up to this moment there is not a single factory in the whole of Western Province. There is not a single factory in the whole of Eastern Province. There is not one in the North-Eastern Province. These things are important because we have unemployment everywhere. Such a board which is very important and which looks into important projects which cover the whole country should be well represented. We should have representatives from all over the

country so that they can advise the board on financing and on projects.

Another observation I would like to make is on clause No. 8: "The corporation shall be convened by the chairman at least four times every year." Four times every year. Where? Nairobi only. If these people meet in Nairobi four times a year, they will not understand the whole of Kenya unless they move and meet in various places where the projects are proposed. I feel that the meetings should be arranged in such a way like the Transport Licensing Board which moves from place to place. This being a financial corporation, I think that they should meet in every province. That will assist people in every province to come forward and give suggestions to this organization. Otherwise, Mr. Deputy Speaker, I feel that this is a very important Bill.

I would like to have some clarification from the Assistant Minister on the points I have made. With these few remarks, I beg to support.

Mr. Kamau: Mr. Deputy Speaker, Sir, I have no quarrel at all with the Ministry concerned, but I must point out that from reading this Bill, I feel that it makes one suspicious; that once one becomes a Minister, one literally has a moral command of this Parliament. If we refer to clause 16, I would request this Parliament to make very strong comments on it, and the Assistant Minister should note that we will not allow any servant of this Government to be exempted from the law. Further on it says: "No act or thing done by any member of the corporation, the general manager, or any officer or servant of the corporation shall, if the act or thing be done in good faith and without negligence for the purposes of this Act, render that member, the general manager, officer or employee, or any person acting by his directions, personally liable to any action, proceedings, claim or demand whatsoever." Mr. Deputy Speaker, Sir, if this House allows such a paragraph to pass through without some comments, we are going to endanger the Government. The general manager might be under the African Government protection. If he is dealing with the maize from the United States of America, or if he is taking our maize to India, he might sell this maize at the lowest possible rate so as to discourage the farmers from cultivating maize. He sells it at a lower rate. If we allow this clause to pass through, it will mean the Government will not have any power to sue this man.

Therefore, I think we ought to object to this measure, to give this power to an individual. Everybody in the Government should be subject to law. I find that here the Ministry has excluded

[Mr. Kamau] such a person from the law. You find that at the moment—if I am allowed to say this—we are exempted. In most cases you will find that we give a lot of power to the civil servants, whereas the law should be in this Parliament. I think these powers should be in the determining factor of anything which is happening in the country.

If I allow this to pass without comment, there will come a time when it will again be brought back here, and that is when something has gone wrong. I think it is right to comment at this stage that no person should be given such extraordinary power to do whatever he likes in the name of this corporation.

Supporting the other two hon. Members who spoke previously, it is a fact that this Ministry of Agriculture now is confusing the minds of the hon. Members here. They have so many sections within the Ministry, while there should be just one Ministry, which should control everything. Now you find that we have the Maize Board Corporation and Marketing, and the Agricultural Development Corporation Bill, while anything regarding the corporation should come under the Ministry of Co-operatives. It comes under the Ministry of Agriculture. There we have a Minister for Co-operatives and Marketing. This is causing confusion.

In my opinion, clause 16 should if at all possible be amended and not be left for the Maize Marketing Board to have it as they wish.

With these few remarks, Mr. Deputy Speaker, I support the Bill.

QUORUM

Mr. Masiiri-Imbibi: Mr. Deputy Speaker, Sir, as a point of order, is there a quorum in the House?

The Deputy Speaker (Dr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We now have a quorum.

Mr. Malinda: Mr. Deputy Speaker, Sir, I wish to congratulate the Ministry of Agriculture in proposing this Bill, which I think is very overdue. Although it was discussed in the Back-benchers' Ministerial Committee, representing the Agricultural interests, I have one or two observations to make with regard to the Bill itself.

Section 5, Mr. Deputy Speaker, has been challenged and re-challenged, and I do not wish to labour on the floor what is shown in that section

except to say that in subsection (b) (1) there is a description of some professional representatives which does not seem to be necessary. If the representative who is described here is only required to be a representative in that board simply because of his accounting knowledge, then I say that this is a duplication of appointment, because in subsection (b) (2), there is another representative who should have the same qualification, because if a man has international finance knowledge, he should also be able to be an accountant, as is described in the one above.

Now, Mr. Speaker, Sir, as this board is going to be run on a purely commercial basis, and for that matter, it needs a lot of these technical people I wish to find out from the Minister for Agriculture, how he is going to have the interests of the whole country applicably represented at this board, because if, for instance, it is an agricultural project which has to be initiated so that it can be self-sufficient self-supporting financially, then, Mr. Speaker, Sir, there are a lot of areas in this country that will never be touched, such as Ukambani or the North-Eastern Region, where agricultural conditions are very difficult, and less rewarding financially. It is going to be very difficult for this corporation to find it fit to give out money for any projects that affect these places. Now, if that is the case, Mr. Speaker, Sir, how is the country going to be developed agriculturally. How much so far has been done in Ukambani or the North-Eastern Region agriculturally, to bring in any project that is self-sufficient or self-paying. Perhaps the Assistant Minister for Development will let me know.

That section, Mr. Speaker, Sir, has been thrashed out, and expertly so, by the Assistant Minister in the Ministry of Finance, so I do not wish to go on any further with it.

The other thing, Mr. Speaker, that I would like to know is the method of re-appointment, according to how it has been explained here. There is provision for retirement for members of the corporation who have been in the corporation in the board longest. They retire and they are eligible for re-appointment. Now, if a person says that he is not willing to be re-appointed—supposing a person is one of those who have been appointed due to their knowledge of international finance, which is going to be mostly non-Africans, because very few Africans, in fact, I understand that there are only three Africans with that knowledge, who may be chosen for that appointment, then you bring in a European—I want to find out from the Minister how he intends to have re-appointments carried out to fill vacancies occurring after retirement.

[The Assistant Minister for Finance]

on technique here that the composition is based on technicians, people who have knowledge of agriculture or finance, and so on. I know one of the things these days is to avoid appointing politicians in boards and organizations, but I think that, here probably, it is overdue. There is so much weight on technicians and civil servants. Mr. Speaker, Sir, I have no feelings against civil servants, but I feel that the role that civil servants can play in our Government is quite clearly defined, and the role of the politician is also quite clearly defined. I would take this opportunity, Mr. Speaker, Sir, to say that, although some people have tended to give the word "politician" a bad meaning or connotation, this is completely wrong. The President, who is the head of the Government of this country, is a politician, and so the politician is not just somebody who acts irresponsibly or is a troublemaker, or anything of that kind. It would seem that this is the sort of thing which some people have in their minds outside when they talk of politicians *vis-à-vis* civil servants.

Mr. Speaker, Sir, one would say that the role of a civil servant is to carry out the programmes of the Government. In this case, we have Permanent Secretaries who are chosen to serve on this corporation by virtue of their offices. In the first place, I feel that some of the activities of the corporation would be very much in the area of policy making, especially when this organization is going to obtain money for lending to projects in Kenya. First of all, you have the problem of whose money you are going to take, because the money will come from different parts of the world: it will come from the United States of America, from Great Britain, from China and from the Soviet Union, and from any country you might think of. Now, who is going to decide that we should take So-and-so's money? This is a political problem and it is a policy-making problem which, I think, is not the responsibility of a Permanent Secretary, for instance, and in this case I think that we are being unfair to the civil servants here who should be carrying out programmes, rather than making these political decisions. This is one point, Mr. Speaker, that I wanted to put forward.

Another point is this. When one goes into the process of trying to select priorities as far as projects are concerned, one would take it that a corporation like this would be working on a commercial basis and, therefore, they would go where money that is loaned is safe, and things like that. Unfortunately, this kind of thinking is not very relevant in our economy at the present moment, because some of the projects in which we need very urgent investment do not promise very good or lucrative returns in the near future.

If a corporation like this is working on a commercial basis, it is very likely that it will avoid tackling some of the very major projects that should be tackled, which would lay a basis for our agricultural and industrial development in future, and instead simply concentrate on certain projects which give quick yields and quick returns in a short period. This would be a great danger to our over-all general economic progress in the country. So whoever is making the decision with regard to where the money should be invested is going to face this problem. There are certain investments which are going to be made on a long-term basis, and on a risk basis with very little return. If the Government is going to give the power to invest or to loan for projects to this corporation, then this corporation also must have within itself elements that would promote investment, based on long-term results rather than on quick profits or on safe investment for the money lenders. This is a basic problem and I feel that if, for instance, some of the members on the corporation were politicians and people who have a right to decide as far as policy is concerned in this country, it would help them very much. They could invest a bit of the money in projects where it would be a risk, but which would be good for the country in the long run.

Mr. Speaker, Sir, I feel that in a way we have been wasting our limited manpower, especially the educated manpower. There are very many Members of Parliament, for instance, who are very well educated in these matters and who may not be represented on this body. It seems to me that the corporation could draw personnel from Members of Parliament, and this would be a very useful thing in that within the corporation you would then have this element which will be able to make decisions based on policy. This would also give employment to Members of Parliament and would give them a chance to participate in the plans and actual working of these economic programmes for our country which, I am afraid to say, Mr. Speaker, Sir, many of our Members of Parliament do not have a chance to do. The Members of Parliament make laws in this House and pass resolutions, and so on, but when it comes to the actual implementation of the resolutions or the wishes expressed, then the Members of Parliament are generally not directly participating, and this is a chance whereby Members of Parliament would be given the opportunity to be directly involved in the actual economic development of this country and the general progress of our people. So I feel very strongly, Mr. Speaker, Sir, that while we have to use the civil servants on matters where administrative questions are concerned, and in this case somebody might say

[The Assistant Minister for Finance]

that a politician might be inclined to favour one place rather than another, I think we should not do this, because a civil servant also comes from a certain area of this country and there is no way in which one can ascertain that a civil servant is always going to be directed by administrative circumstances, and so on. This is a question of integrity and it can be found in a civil servant; it can as well be found in a politician.

So, Mr. Speaker, Sir, I feel very strongly about this particular one, the representation. This is weighted too much on the Civil Service side. Furthermore, I notice that the Permanent Secretary is to be a member and if he is not "for a person deputised by him in writing for the purposes of this Act," This, again, I think, is going a little far. I have a feeling that if the Permanent Secretary feels that he cannot be a member of the corporation, then it is either the Minister or somebody else who should make the appointment of the person to be on the corporation, because the civil servant, as much as he is a very responsible member of the Government, he does not have a mandate from anybody as far as choosing other people to work in certain things is concerned, which may involve policy making as with this corporation here.

Then, Mr. Speaker, Sir, other members represent the people who will lend the money and the people who are experts on international finance and people who know marketing and agricultural produce processing, and so on. This is a little too technical and it seems to me that it might not really be necessary, especially if there is somebody who knows marketing problems and processing problems; he should also know about finance and about international financial arrangements. After all, it is only a question of having the information with regard to which bank can be approached and who are the people in the world who have the money, and so on, and it is a matter that is not really difficult to find; it is something that anybody with average intelligence can find out in a matter of days or months.

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

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

All one has to do is find out where the information is and remember it.

Mr. Deputy Speaker, Sir, this is not from a self-interested point of view, but I see here that all the powers to appoint members to the corporation are bestowed *80* the Minister for Agriculture. I think, Mr. Deputy Speaker, Sir, that the Minister for Finance should also participate in these

matters since they are very much connected with finance, and I would like to know from my friend and colleague, the hon. Assistant Minister for Agriculture, why this was not done. In the Agricultural Finance Corporation there is good co-operation between the Minister for Finance and the Minister for Agriculture, and also in the Land Bank. In the Agricultural Land Bank there is co-operation between agriculture and finance. I do not know why in this particular case it is all agriculture and the Minister for Finance does not come in, as far as appointing chairmen, vice-chairmen and others is concerned. I would like to hear this stated by my friend, the hon. Assistant Minister.

Mr. Deputy Speaker, in addition to projects, the reason why I think that the position here, to go back on what I said—In some of the agricultural projects in our country at the moment, the problems that are faced in the field of agricultural development are very serious: problems of land policy, problems of land tenure policy and problems of land consolidation that we have in the country, and so forth. Some of these are going to need investment, projects, and so on. If the politicians are left out of these boards, and they are the people directly representing the people of this country, who are always being told the wishes of the people of this country, it would be difficult for a corporation like this to conceive the urgency of some of the problems that the people feel are more pressing than others.

With these few remarks, Mr. Deputy Speaker, I support the Motion and I believe that my hon. friend, the Assistant Minister for Agriculture, will bring me into the picture as regards some of the things which I have said, I feel may be based on lack of information. Thank you, Mr. Deputy Speaker.

Mr. Khasakhalal: Mr. Deputy Speaker, Sir, while I support this Bill, I have a few observations to make.

The first one has already been covered by the Member who has just spoken, and that is: under the same Ministry of Agriculture we are now going to have three different financing bodies. One is the Land Bank, another will be known as the Agricultural Finance Corporation, and then this one will be the Agricultural Development Corporation. I am wondering why the Ministry did not find it necessary to combine all these three financing boards into one so that we would save manpower and finance. By having three different organizations it is going to cost us a lot of money. As I see it, we have general managers, chairmen, members on boards, and so on, who all

The Speaker (Mr. Slade): No, it is rather a case of misrepresenting what you said, because I did not hear anything like that. What you did say was that you hoped that an African general manager would be forthcoming, and that hon. Members will help you find him.

Mr. Anyienyi: Mr. Speaker, I was very attentively listening and as a matter of fact I made a quiet comment while sitting, then the Minister went further to clarify the position by saying, "If any Member knows of person who could do it," but he had said, "I know Africans will have to demand, but I am saying there may not be an African who can do this," but later on I think he was all right, but to start with he did not make his comment in the manner in which he is making it now. Anyway, Mr. Speaker, the point is that the Assistant Minister has now understood that he should do everything to get an African to do this work and of course if there is not an African, we cannot let the corporation down because there is not a black man to do it. All we want is some work done.

Mr. Speaker, Sir, sometimes some of these general managers are given very big salaries. Sometimes, I am given to understand it is Sh. 10,000 so that they may be able to work. Sometimes they can demand even more. I know some general managers of some boards earn more than our President does, and when one asks the Minister concerned, the Minister says that it is very difficult to find people of this type and if this man is so valuable as to be paid Sh. 15,000 a month for his services, this man is too expensive for us and we should get someone or two people to do it, but, Mr. Speaker, Sir, we have also discovered, that when Government says, "Oh we cannot find a man to do it," then we take on an African with some good background, and he does the work even better than the expatriate, and the African gets about Sh. 5,000 and he is satisfied. The expatriate could not do the work for Sh. 10,000. So I hope that in this corporation the Government will try to see that in order that the expenses to the agricultural people should not be too high, the Government should try and make sure that they get the most efficient man but not too expensive a man in our country. Here I would like to say that the Government should make it impossible for any employee in our country to get more pay than the Minister's pay, and that should be the general feeling, because the hon. Members should not be getting more salary than the President, or the Vice-President, and after that the Ministers. No other person should get more money than a Minister. I think that this is a wrong policy, because the Minister above him is

probably getting Sh. 7,000 and this chap who gets Sh. 15,000 will just turn round and say, after all who is this Minister. I earn more than he does and I think it is not fair. The Government should look into that and see that they put these things right.

In representation, Mr. Speaker, Sir, I see that some foreigners who are probably Chinese or Americans, will be represented in this corporation. I would like to know as to whether they will be paid a monthly salary or an attendance allowance and as to whether they are going to be residents of this place, probably from the embassy, probably they want to draw some people from the embassy, I have not read that one. I see one Member pointing at me, do you want me to sit down and you give us some information? So we would like to know this because we do not want it to be too expensive. So we hope that they will try to find a person who will not be too expensive to our country.

The other thing, Mr. Speaker, Sir, is that we would like representation in this corporation to be spread as much as possible all over the countryside, so that when money is being loaned to our country, this money will not be concentrated in one particular area; this money will be spread all over Kenya for the interest of the whole nation, not for the interest of a few places. I am saying this, Mr. Speaker, Sir, because the other day we were told that there was going to be a factory for passion fruits and vegetables in Kisii District. Then later on we heard that Yugoslavians, I think it was, a Yugoslavian Delegation went to Sagana and said they were going to do some work there. Then later on we also had a West German Delegation who came to Sagana and a competition has been started and this is why I think that it is going to be very important so that this body, the Ministry is creating, will be able to direct any foreigner who wants to give us some help to be able to spread all these things and not to try and compete for a place which may not even be as fertile as many districts we have in Kenya. For this I would like to say that the Ministry should try, as much as possible, to get people with understanding from each region if possible. I am not saying that we shall have one man from each region but the Minister has within his discretion a chance to be able to say that, well I have this man, let us say, from Nyanza, now this man is coming and I am going to get another man from Central, or that the next man will come from the Coast, this will, I think, help Government to spread its economic aid plans and agricultural development in the whole of the nation, and not in one particular area. I see that in clause 16 of this Bill, that there

[Mr. Anyienyi] no liability, and I see that this is so in most of such boards. The clause reads:—

"No act or thing done by any member of the corporation, the general manager, or any officer or servant of the corporation shall, if the act or thing be done in good faith and without negligence for the purposes of this Act, render that member, the general manager, officer or employee, or any person acting by his directions, personally liable to any action, proceeding, claim or demand whatsoever."

This is good protection. I see here it is written, protection of the corporation, but, Mr. Speaker, Sir, while this is protection for the corporation this seems also to be protection for the individuals, because I know an instance, Mr. Speaker, Sir, where, for example, we had a shortage of maize. We had a little more maize, and somebody went and negotiated the sale of this maize and after selling that maize just one year after that, we are now ordering maize from the United States, a million bags of maize for consumption in Kenya, which is yellow maize, and which, after it arrives in Nairobi, will cost the consumer of maize, not maize flour, about Sh. 57 per bag. When Kenya previously sold maize to another country, we sold the maize at Sh. 19 to this foreign country.

Now, in a corporation like this, we do not want the general manager to be given the chance to make some very shortsighted estimates of what should be done and then after a few days what the country is in trouble, for example, the Minister has said that this corporation will direct the loans, if for example the corporation, the board and the general manager advise that these things should be set up in some dry place, let us say that we are going to grow cotton in Kisii District, and they do everything, and they say that we are going to grow cotton in Kisii District, knowing very well that Kisii District may not be able to grow cotton, when they have insisted that this should be done by experts; as the Assistant Minister has always said, that these people will be experts, that this man will be an expert, and I see that in nomination they are going to pick people acquainted with international finance and so on. If a thing like that is done, Mr. Speaker, Sir, I think that these people should be liable to some amount of punishment so that whenever they take a position they know that they are not to do things and then say, I did it in good faith. Of course, if it is in good faith, Mr. Speaker, Sir, we are all human beings and we sometimes pretend that we are doing things in good faith,

when in actual fact we have probably some other motives for doing it, and sometimes our good motives may be stupid motives and we may penalize the whole population for our so-called good motives, which maybe too shortsighted, and so Mr. Speaker, I would like to thank the Ministry very much for bringing this, and I hope from this time we shall not have a situation like the one we had when you had more or less an ideological war being fought on the grounds, some people from the capitalist countries saying that you wanted to develop this and other people from the Eastern countries coming and saying that if we gave it to them it will be better. We do not want this to be done. We hope that with the formation of this corporation, it will be able to tell these people exactly what they want and direct them as to where they should do this development.

With those few remarks I wish to support the Bill.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Thank you very much, Mr. Speaker, Sir. Members have said that this matter has been discussed thoroughly in the Back-benchers' meeting and in this case it seems that the Back-benchers are ahead of myself, Mr. Speaker, Sir.

I am going to support the Bill, but I have a few observations here which probably were discussed at this meeting, where the Bill was thoroughly discussed; but they seem to stand out in my mind as I read the Bill.

In the first place, Mr. Speaker, Sir, I feel that in most of the Bills that come in connexion with agricultural finance—now we have three, like my colleague, the Assistant Minister for Agriculture said—it would appear to me that in order to save money and also save manpower, we should really have just one organization. The Land Bank deals with lending money to individuals for buying land while the Agricultural Finance Corporation lends money to individuals for development; and we now have this corporation which is going to be an over-all organization which is going to be another organization lending money for general agricultural development. It would appear that it were were only one organization with different departments it would just be as well and probably there would be a better co-ordination, and it would not only save money but also same manpower which we are very much in need of. I am quite sure that my colleague, the hon. Assistant Minister for Agriculture, must have some good reasons why this is so. At the moment I am not quite aware of these reasons.

The second point, Mr. Speaker, Sir, is on the composition of the members of the board. I

[The Assistant Minister for Agriculture and Animal Husbandry]
person and he will be appointed. This is a new project which will involve millions of pounds, and we cannot afford at all to experiment with development and personnel simultaneously. So I would plead with hon. Members of this House that when they are speaking on this Bill to have in mind a person, a Kenyan who is of very high integrity whom we can appoint as general manager of this corporation.

When naming such a person, I would suggest to hon. Members that he should be, in the opinion of hon. Members, a person of very high understanding. I would assure hon. Members that all the people appointed to the corporation under section 5 will be Africans, except those that will be appointed under subsection (2) and subsection (4), who amount to only two people. So hon. Members should not be carried away by the fact that appointments to this corporation might be of other foreign people, except under those two subsections I have mentioned. If we look at these subsections we will see that it will be people lending money who will be represented, as far as subsection (4) is concerned; and with regard to subsection (2), we are at this moment looking for somebody who has got a knowledge of international banking so that we can appoint him to the corporation.

Now, Sir, I leave it to hon. Members to debate this Motion. With these words, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

Mr. J. M. Karuki: Mr. Speaker, Sir, I am rising to support this Bill, and before I do so I would like to congratulate the Ministry concerned because it is the only Ministry which is taking the initiative of explaining to the Back-benchers what is going on in the Government machinery.

Now, Sir, before this Bill was brought to this House we had a look at it, we had a very good discussion with the Minister concerned; and most of the questions which we had were put forward and we had very good answers. Therefore I do not want to dwell on most of the clauses in this Bill. However, there are one or two things I would like to mention.

First of all, in the Bill itself, it is indicated in one clause that most of the money will come from countries outside Kenya and also that people in this country will be allowed to contribute to this corporation. Now, Sir, there should not be a tendency that people in this country cannot also raise the money so as to get some representation

on this corporation, because as the Bill stands today, Sir, it is only those people from foreign countries who make contributions to this corporation will be represented on the corporation. But the people in this country will either be represented by a person elected or nominated by the Minister or from the Central Agricultural Board. It is not one hundred per cent sure whether this man will be a representative of the people who have contributed towards this corporation.

The other point, Sir, which I would like to mention here, because that part is not in the Bill although I was told about it sometimes by the Minister is that I hope it is the intention of the Ministry concerned to see to it that they get this corporation to undertake some projects like the rehabilitation of abandoned farms. This is a very important point, Mr. Speaker, Sir. If the present abandoned farms in the settlement area or in other parts of the country can be taken over by the Ministry of Agriculture and then the Ministry directs the corporation to rehabilitate those farms, first this would be a very good thing. It is only after rehabilitating those farms that they can be purchased or sold to African co-operatives who can run them afterwards. But it is very difficult, as most of the Members in this House know, for the Africans to take over these which have probably not been farmed for four or five years at least and put them into proper production right from the beginning. It would be advisable for this corporation to take over such farms, rehabilitate them and then sell them to the African co-operatives in the country, who can then go ahead with developing them so as to improve the economy of the country.

I wanted to mention this, Mr. Speaker, because it should not be taken for granted that what is laid down in this Bill is actually going to be followed by the corporation. The corporation might come tomorrow and say, "We think that it is important that we carry out this project, and leave that project", and they might come and start with the bigger projects which are not going to benefit this country at this stage. It will be a good thing if the Ministry can direct the corporation as to what they should start with and I feel that the Ministry of Agriculture and the Ministry of Economic Planning and the Ministry of Finance, before the corporation undertakes any project, should sit down together and think as to which are the important projects to be undertaken by the corporation. We should not have the corporation saying, "This is what we want to do and if you do not allow us to do this, then we will withdraw from it." That would be some sort of bad outside influence which might not serve our Government at all.

[Mr. J. M. Karuki]

The other point which I would like to mention here is that the hon. Assistant Minister has just mentioned some of the projects which he thinks the Agricultural Development Corporation might start and start undertaking immediately, among them being the Lambwe Valley scheme and some other projects. Here Mr. Speaker, I hope that the people who are going to be employed by the corporation to undertake this work will be local people. Or will the corporation bring a lot of people, or highly technically qualified people from abroad? If the majority of them come from foreign countries then the money that was lent to this country will go back to those countries? They will get quite a lot of money to undertake these projects from these resources. Therefore, I appeal very strongly to our Government that wherever it is responsible in this corporation must ensure that those people who are going to participate, either in the form of labour or in the form of technical know-how, are most of them local people who can undertake this sort of job. This is to ensure that the capital brought into this country is not going out again, all of it, at the same time.

I am also worried, Mr. Speaker, when I hear that some of these projects will be undertaken in places where the National Youth Service would have undertaken these projects. I wonder whether this is the intention of the Government, that the proposed projects for the National Youth Service will also be undertaken by the corporation. That means there cannot be any real reason for having National Youth Servicemen in those areas which the Assistant Minister has just indicated.

I must explain, Mr. Speaker, that at the moment we are in need of more and more projects in this country and the National Youth Service is now going to and from every Ministry trying to find out whether there are any projects which can be undertaken by the National Youth Service. One of the projects we thought we were going to start on very soon was Lambwe Valley, clearing for settlement, and now I understand that this is one which is earmarked for the corporation. Now I am puzzled as to whether we are going to pursue these points and move ahead so as to make plans for the National Youth Service. We, in the National Youth Service, are not asking anything from the Government, but this can help very strongly when the time does come for having a project established in those areas, otherwise we will not be in a position to know what to do. We would like the Government to come to a decision and then come to us and say, "This is what we want you to do in this place", and then we help the Government with the labour.

So this is another point I wanted to put across to the Assistant Minister so that we can also come in and assist the Ministry concerned to do some of the work before the corporation has undertaken those projects.

Mr. Speaker, I do support this Bill wholeheartedly, it is a Bill which we support very strongly and I think the Assistant Minister is also aware that I was the first to advocate this type of Bill in this House and therefore, Mr. Speaker, I hope that this Bill will pass in all stages as we very strongly support it.

Mr. Anyeni: Mr. Speaker, since we have our agricultural committee and our agricultural committee seems not to have had much trouble with the Ministry in connexion with this Bill, I will not have very much to say except to mention a few things after having read the Bill and after having heard the comments from the Assistant Minister. There was one comment the Assistant Minister made which, I think, the Assistant Minister should be advised not to make again in this House and the eyes of the world. The Assistant Minister was more or less prejudging when he stated that there is not an African in Kenya who can become the manager of this corporation. I think that the best thing for the Minister to do is to wait until a Member stand up and demands that an African be the general manager, then the Minister could stand up and say, "If you want an African to be the general manager, and you have someone, who believes he is capable, please recommend him to us and we shall see him," but it is unfair for the Minister to say in this House that there is not an African who is capable of doing this work. We have several Africans who have been in universities who have worked in this capacity and the only reason why it appears that they are unable to do this work is because they have not been given an opportunity to do it.

The Minister should be reminded that during the colonial period that an African was believed not to have been capable of doing this work and furthermore, an African was not even allowed to represent himself in this House; it was further believed that an African was not capable of running the Government and I hope the Assistant Minister will change his attitude and allow his mind to be open so that if he can—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, I do not remember any stage where I said that there will be no African, or it is not possible to get an African to be a general manager of this corporation in my speech, Mr. Speaker, and may I ask the hon. Member to substantiate that I said this in my speech.

[The Speaker] is now on the Order Paper at No. 12 will, at the request of the Minister for Health, be deferred until today week.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

QUESTION NO. 812: GOVERNMENT CONTROL OF THE PRESS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice from Mr. Anylen of his desire to raise on adjournment, or rather pursue on adjournment, Question No. 812, concerning Government's control of the Press. I have allotted tomorrow, Wednesday, 24th, at the close of business, for that matter to be raised.

KENYA PRELIMINARY EXAMINATION RESULTS. KIRINYAGA

The Speaker (Mr. Slade): I have had notice from Mr. Gichoya of his desire to pursue Mr. Kibuga's question by private notice on 25th February concerning the Kenya Preliminary Examination Results in Kirinyaga, and that it is to be raised on Thursday, 23rd March, at the interruption or earlier conclusion of ordinary business.

BILLS

First Readings

THE PENSIONS (AMENDMENT) BILL

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

THE NURSES, MIDWIVES AND HEALTH VISITORS BILL

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

THE BROADCAST RECEIVING (LICENSING) BILL

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

THE TRADE MARKS (AMENDMENT) BILL

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

Second Reading

THE KENYA NATIONAL LIBRARY SERVICE BOARD BILL

(Resumption of debate interrupted on 4th March 1965)

The Speaker (Mr. Slade): I think Mr. Warishi had finished speaking on the Bill at the time for adjournment, so, no other Member wishing to speak, I will put the Question.

(Question put and agreed to)

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

Second Reading

THE AGRICULTURAL DEVELOPMENT CORPORATION BILL

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the Agricultural Development Corporation Bill be read a Second Time.

The Bill before the House, Mr. Speaker, is intended to set up an Agricultural Development Corporation of Kenya with the powers to raise money, to lend or to advance money to agricultural development projects, to acquire interest in agricultural undertakings and generally to promote and manage schemes for the agricultural development in Kenya.

There does not exist at present a body in Kenya with enough resources to execute the duties and responsibilities envisaged in this Bill before the House. The absence of such a body is one of the major impediments hampering the agricultural development of this country, and this Bill is designed to fill this gap. To give just one example, Mr. Speaker, a sugar project which is anticipated at Chemelil, involving about 16 million from which £1 million will be equity, will come under the Agricultural Development Corporation, and of course, several other development projects that are now being included in the new development plan.

May I refresh the minds of the hon. Member in this House by informing them how the project could be taken up and financed by the Agricultural Development Corporation. Somebody may have a project which he will suggest to the District Agricultural Committee, then to the Provincial Agricultural Committee and then to the Central Agricultural Board when it is fed to the Ministry of Agriculture, who then put it to the valuation section of the Ministry. This valuation section will decide the

[The Assistant Minister for Agriculture and Animal Husbandry]

At this stage, the Ministries of Finance and Economic Planning and Development will be put in the picture about this project. When the valuation section has completed its valuation the paper goes to the Ministry of Economic Planning and Development, on its way to the Development Committee of the Cabinet, after which it is included in the Development Plan. This, Mr. Speaker, is how projects originate right from the home districts of hon. Members in this House, up to the time it comes to this House for debate as a development project, as a development plan in this country. Money for this kind of project is very difficult to get, as lenders will always want a small Government body with which to deal, which is going to be this corporation. We know from the talks we have had with the World Bank and from the conditions imposed upon the money-borrowing operations we have already had, that lenders like a separate financial corporation to deal with this type of loan. Most of the foreign missions that have already been here, particularly those from the socialist countries, have expressed their desire to deal with a small body directed by the Government for any agricultural development project they may have indicated to assist with finance, with the Government direction and co-operation.

May I inform the House, Sir, that Kenya is not the first country to think of establishing a corporation on the lines anticipated in this Bill. A good number of African Independent states have established such corporations. Let it not be forgotten that this corporation is virtually going to be a Government owned, and Government operated body, because of the powers of direction from the Cabinet from the Ministry. A number of hon. Members may be asking themselves why we have not used the Land Bank, and the Agricultural Finance Corporation, for the purposes envisaged in the Agricultural Development Corporation Bill. Let me, Mr. Speaker, Sir, briefly explain the difference between the three.

First of all, the Land Bank operates with a certain amount of Kenya Government money, and a lot of British money—and I want hon. Members to note that—and a certain amount of local commercial money. It mainly lends money to individuals for buying land as its main purpose, to place money against a good security.

The Agricultural Finance Corporation is an organisation which raises money to lend to individual farmers for development purposes. It lends to both small- and large-scale farmers for articles

like tractors, cattle and cattle food, fertilizers, and the like.

The Agricultural Development Corporation, which is going to be implemented if this Bill is passed, is going to cater for big projects for which the Government would not otherwise get the finances. It is difficult for the Government to find money for projects like the Lambwe Valley Project, the bush clearing on Lake Victoria shores, the sugar project at Chemelil, and Mumias, the Lungalunga Sisal Project, and the rehabilitation for Ramisi Sugar Farm, the ranching schemes in the different parts of this country, and several other agricultural projects. It is the Government's intention, Mr. Speaker, Sir, that in the early stages, the corporation must concern itself with the most viable projects, so that it can get itself financially under way. Once this happens, and the corporation begins to make some progress, there is no reason why it should not extend its activities to less favourable areas of this country and thus bring development where the Government, as such, will not have funds of itself to operate. I will, however, remind the House that as the composition of the corporation indicates, the Government will keep a very close look at its operations. In its initial stage, the corporation will have no funds of its own. It is envisaged that it will obtain money from other sources, commercial banks, international monetary sources, and even from the Kenya Government, I would like to make it quite clear that this is nothing like a dole or a subvention. When the corporation gets under way, it will pay back all the money advanced to it.

As the hon. Member will see from clause 13 (1), it will be possible for Members of the public to contribute to, and derive benefits from the corporation. It should, therefore, be clear that although the corporation will raise most of its funds from overseas sources, it is a wish by the Government that private individuals in Kenya should subscribe to the setting up of this organisation.

In this way the corporation will help to harness these small savings of Kenyans towards national development.

Turning to the appointment of the general manager and the members of this corporation, Sir, it is the intention of the Government to get the best person available as the general manager for this corporation. I can foresee hon. Members asking the Government to appoint an African or a Kenyan to this post, I accept this challenge and now ask hon. Members, the Chief Whip included, to give me the name of a capable

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, what is the Ministry doing to assist the co-operatives, because after training an officer in a given co-operative, this officer tends to leave to work for some other administrative department? What is the Minister doing to retain them in the co-operatives?

Mr. Ngei: Mr. Speaker, I have said very clearly that my Ministry is reorganizing the whole thing on a district level and then there will be district supervision for the smaller unions, and also the Ministry is at the moment working on a multi-crop society, as you might say, or union. That means the district union will be tackling all the problems of the smaller societies and giving managerial services as well as technical ones.

On the question of the co-operative officers, those who take up the post in the districts run the whole show.

Mr. Lorema: Mr. Speaker, Sir, could the Minister tell the House whether these co-operatives have been started or this has been initiated by this question?

Mr. Ngei: Mr. Speaker, if the hon. Member reads the newspapers, I think he will see that there are several such co-operatives already in the field, and much work is now being done in the field, and we have these societies running. The first one was in Nyeri District.

Mr. Anyleni: Mr. Speaker, Sir, is the Minister aware that his intention to unify different unions is meeting with some resistance from certain quarters because of the fear of loss of employment by the present employees of the unions?

Mr. Ngei: Mr. Speaker, Sir, that has not come to my notice, but we have to root out people who are not capable of running the societies properly for the benefit of the producers or the members of the society.

Mr. Mbohghi: Mr. Speaker, Sir, I have two questions to put to the Minister.

The first question is: according to his reply in which he said that they are discouraging the formation of small societies so that they can encourage the union level of societies, does the Minister want to imply that a union can be formed without societies?

Mr. Ngei: Mr. Speaker, Sir, if I understand the shade and light of the English language, the word "union" means coming together, and that means the coming together of societies, but not destroying the existing small ones. The union will be there to be able to advise and give technical

assistance as well as managerial to the smaller societies.

The Speaker (Mr. Slade): Next question.

Mr. Mbohghi: On a point of order, Mr. Speaker, I have two questions.

The Speaker (Mr. Slade): I know, but I think we must move on. I have to inform hon. Members that Question No. 960 appears on the Order Paper by mistake, being merely repeated of a question that has already been answered.

Question No. 828

CIVIL SERVANTS AND POLITICS

Mr. Komora, on behalf of Mr. Balala, asked the Assistant Minister to the President's Office whether, in view of the fact that Kenya was now a one-party state, the Minister could take appropriate steps to enable civil servants to take up membership and play an active part in the present ruling party, Kana.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

Let me be misunderstood: there is a very great need for civil servants to be in general harmony with the political objectives of the Government. There ought, indeed, to be more particularly of the senior civil servants, an enthusiastic involvement in the programmes on the part of the civil servants, of their Ministries. It is one of the functions of the Civil Service itself to engender this enthusiasm. In the Government training courses, this element of instruction in the political aims and philosophy of the Government is constantly being borne in mind. However, the Government believes that the roles of party politicians and civil servants, although complementary, are quite distinct and separate. Both have an important part to play in the process of Government, but it would be a mistake to try to merge the two roles.

Because of the foregoing reasons, the Government does not wish to encourage civil servants to play an active part in the ruling political party or in any other party.

Mr. Mbohghi: Mr. Speaker, Sir, in view of the fact that recently we have heard a lot of complaints about civil servants and that we have always thought the Ministries have to be on their feet to support civil servants, is it the Minister's intention to change the law which will prohibit a civil servant from taking part in the political arena, though not to stand as a party candidate?

Mr. Nyamweya: Mr. Speaker, Sir, I did not understand the confused question of the hon. Member.

The Speaker (Mr. Slade): Could you repeat it, Mr. Mbohghi?

Mr. Mbohghi: Mr. Speaker, Sir, my question is: we have seen that during the last session the Assistant Minister had to defend the civil servants many times in this House simply because he was not controlling them in the proper way they should be controlled. Now, when you go to the civil servants, you find that there is a lot of them who would also like to defend themselves.

The Speaker (Mr. Slade): You have to ask a question, Mr. Mbohghi.

Mr. Mbohghi: I am putting it, Sir. The same law prohibits these civil servants from taking part in politics, so would the Assistant Minister in view of that fact, reconsider his decision not to allow the civil servants to take part in politics?

Mr. Nyamweya: Mr. Speaker, Sir, if the mistakes and errors of the civil servants are brought to the attention of a particular Ministry, they could be rectified, but to say that we have been able to control the civil servants in the past, I think far fetched.

Question No. 923

PURCHASE PRICE OF 100-ACRE SCHEME FARMS

The Speaker (Mr. Slade): Has any Member been authorized to ask this question?

Mr. Sol: Mr. Speaker, on behalf of the Member for Belgut, Mr. Kerich, I beg to ask Question 923.

Mr. Sol asked the Minister for Lands and Settlement if any steps had been taken by the Government to reduce the high price paid by the "hundred-acre" settlers on Settlement Schemes in various districts.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. My Ministry normally resells the 100-acre plots at the same price as has been paid for them, although in some cases reductions have been made after discussions with the prospective owner. When the farms were originally purchased by the Settlement Board, the valuations prepared by the Board's valuers have shown, in many cases, that the houses have been worth anything up to £3,000 each. However, under the arrangements with the British Government, who have supplied money for purchasing these farms, we are not allowed to pay any more

than £1,300, for any farmhouse. Thus, when a farmhouse is sold at £1,300, the purchaser of the plot and house receives a subsidy of anything up to £1,700, i.e. the difference between a possible value of £3,000 and the amount he has to pay.

Mr. Sol: Mr. Speaker, Sir, would the Assistant Minister tell the House why they are selling houses at a flat rate regardless of the conditions of the house?

Mr. Gachago: Mr. Speaker, Sir, there is no flat rate for houses. The plots are usually valued. Each plot is valued and is sold according to its own merits.

Mr. Masinde: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that there are 100-acre settlement schemes where there are 100-acre plots, every person who has a 100-acre plot is paying the same amount regardless of the condition of the house, Sh. 26,000 or Sh. 40,000? Why is this so?

Mr. Gachago: Mr. Speaker, Sir, I am not aware that there is a flat rate, and if the hon. Member can produce evidence, then the Ministry would be prepared to go into this matter to find out the reasons why.

CORRECTIONS TO VOTES AND PROCEEDINGS

ERROR IN DIVISION LIST

The Speaker (Mr. Slade): We must move on now. I must inform hon. Members of four matters.

First of all, in the Votes and Proceedings of the sittings of this House on 12th March, I regret there was an error in the record of the Division on Mr. Omolo Agar's amendment of the Motion concerning the Civil Service that day. Hon. Members will recall that there was a Division in which Mr. Omolo Agar's amendment was defeated. In the record of the Division, Mr. Ngala-Abok was marked as having voted both for Aye and No, whereas he voted only No. Mr. Ngei who did vote Aye, but was not recorded at all. He should be entered as an Aye in the place of Mr. Ngala-Abok. That correction will now be made in the Votes and Proceedings.

DEFERMENT OF SECOND READING OF BILL

THE FOOD, DRUGS AND CHEMICAL SUBSTANCES BILL

The Speaker (Mr. Slade): I have to inform hon. Members that the Second Reading of the Food, Drugs and Chemical Substances Bill which

[The Assistant Minister for Education]

The idea behind this venture is to start teaching standard one classes using the new approach method in English right from the beginning. In order that such classes may be successful, not only must the teachers be trained to teach this way but constant supervision is necessary.

In South Nyanza there were ten English medium classes in 1964. This year fifty-four additional classes were opened.

For financial reasons, South Nyanza was allowed to employ only two supervisors plus an A.D. girl with centres at Homa Bay and Gendia. For each of supervision, therefore, it was imperative that the greater percentage of these schools be within a reasonable radius of the two centres.

Later, a third centre was established at Kamagambo to cater for Sakwa and Kamagambo Locations. This centre is looked after by the supervisor in Kisii, and was established through the kindness of Gusii County Council.

In 1966, it is hoped to spread the scheme all over the district and efforts are already afoot to provide for enough supervisors. Schools will be warned early enough to get ready for the scheme.

There was, therefore, no question of a particular area or people being overlooked. The spread of the scheme had to be gradual and depended on factors already outlined. Apart from Kuria Location, there are many others where the new primary approach classes have not been established for exactly the same reasons.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, could the Assistant Minister for Education tell the House what has Kamagambo to do with Kuria Constituency?

Mr. Mutiso: Mr. Speaker, Sir, this was a wide reply. As regards to this, Kamagambo is a part of this area.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, the question is that why was Kuria Constituency, as a whole, not considered as it is known, very well, that Kuria Constituency is one of the backward areas?

Mr. Mutiso: Mr. Speaker, Sir, if the hon. Member was listening to my reply, I have already outlined which areas these new primary approach classes are covering in that area; and in his own location of Kuria, already it is covered with the areas where these teachers can be easily obtained to teach in the areas I have already mentioned.

Mr. Ngala-Ahoki: Mr. Speaker, Sir, would the Assistant Minister assure my hon. colleague, the Member for Kuria, that immediate steps will be taken to establish an English medium school for his people?

Mr. Mutiso: Mr. Speaker, Sir, the policy of the Government is not to consider one particular area alone. This question of education, Mr. Speaker, Sir, is to cater for all the people in the country and I have already stated we have a scheme whereby not only is Kuria involved but also other places which will be considered in future.

Mr. Anyleni: Mr. Speaker, Sir, would the Assistant Minister specifically tell this House the reasons which led to other areas, or other constituencies, being granted English-medium facilities and not Kuria? Was this tribal behaviour or the education officers in the field?

Mr. Mutiso: No, Mr. Speaker.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, would the Assistant Minister not agree with me that the policy of his Ministry should be to give attention to the more backward areas such as Kuria Constituency, so that Kuria studying in English could catch up with Homa Bay instead of giving Homa Bay too much?

Mr. Mutiso: Mr. Speaker, Sir, I have already answered that question and I said that in 1966 it is hoped to spread the scheme all over the district, and that includes Kuria.

Question No. 951**DELAY IN PUBLICATION OF K.P.E. RESULTS**

Mr. Odoro-Sar: asked the Minister for Education what had caused the delay in publishing the Kenya Preliminary Examination results which had affected some schools, such as Mtenga and Got Osimbo in Ugenya Constituency.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. I wish to make it clear that the 1964 K.P.E. results were published in time for the secondary school selection and also earlier than the 1963 results. This was a great achievement considering the fact that the number sitting the K.P.E. in 1964 had jumped from 57,000 candidates in 1963 to 103,000 candidates in 1964. When it is realized that more or less the same number of officers were processing twice the volume of work as for 1963, then I believe it will be appreciated why I consider it a great achievement.

[The Assistant Minister for Education]

It was not possible to publish the results of Got Oimbo and Mtenga schools with the rest of the schools in the area due to some technical difficulties which also affected other schools elsewhere. But I want to emphasize the fact that, even in the case of these two schools, the 1964 K.P.E. results were published in time for secondary school selection and two days before the 1963 K.P.E. results date of publication.

Mr. Odoro-Sar: Mr. Speaker, Sir, I would like the Assistant Minister to tell this House whether he is answering the question concerning also Standard VII, a special test which was done in the same year in which the results did not come out?

Mr. Mutiso: Mr. Speaker, Sir, the question here, as the hon. Member put it, was about what caused the delay in publishing the Kenya Preliminary Examination results, and that is what I have answered.

Mr. Odoro-Sar: Mr. Speaker, Sir, the Standard VII special case examination was not the same Preliminary Examination. I would like the Assistant Minister to answer this question. Last year there were two types of examination, one for Standard VII and it was a special test that was also expected to join Form I, and the result has not come out. Is he answering that question also?

The Speaker (Mr. Slade): Your question is only about the Kenya Preliminary Examination.

Mr. Mutiso: Mr. Speaker, if those pupils did the Kenya Preliminary Examination, then the answer is given in my reply.

Mr. Kagga: Mr. Speaker, in view of the fact that the so-called technical difficulties affected so many schools besides those mentioned in this question, would the Assistant Minister assure the House as to what arrangements the Ministry has made for the students affected to get places at secondary schools?

Mr. Mutiso: Mr. Speaker, it will be realized that some time ago I did tell the House that we encountered a bit of difficulty in this when the marks were to be made for the K.P.E. pupils and, as a result, Mr. Speaker, for the latecomers who had to get their marks in time, we have ordered each secondary school throughout the country to take two more pupils so as to cover those who were late in obtaining their marks.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Assistant Minister aware that the

figure he has already told the House of two pupils to be added to each Form I class is so small for there are so many pupils who passed with over 500 marks and who have not got a place in a secondary school. For example, in the Western Region there are 343 students who passed with over 500 marks and out of which only 66 will get a place. Will the Assistant Minister, therefore, agree that it was the Government's fault that all this happened and that it must run double streams of Form I throughout all secondary schools in the areas concerned to remedy the situation?

The Speaker (Mr. Slade): That is right away from this question, Mr. Shikuku.

Mr. Anyleni: Mr. Speaker, Sir, could the Minister deny the allegations that it was because of a suspected leakage that the results were delayed? If this is so, whose fault is this, is it the fault of the pupils who are now suffering for it, or is it the fault of the Government?

Mr. Mutiso: Mr. Speaker, I entirely disagree with the allegation the Member has just made.

Question No. 849**INDEPENDENCE OF COFFEE CO-OPERATIVE SOCIETIES**

Mr. Godia: asked the Minister for Co-operatives and Marketing what the Minister was doing to assist local coffee co-operative societies to be independent of supervision from Central Government without affecting the proper and efficient running of these societies.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, first of all I would like to inform the House that on the Order Paper this question is supposed to be ordered, and I would like to make it known to the hon. Members that some of these questions which I am receiving were passed before to the Ministry of Commerce and Industry and are not the responsibility of the Ministry of Co-operatives and Marketing to answer quickly.

Mr. Speaker: Sir, I beg to reply. My Ministry is actively encouraging existing co-operatives societies to amalgamate into larger and more viable unions, so as to enable them to employ better qualified and more experienced staff who will be able to manage the societies with the minimum of Central Government's supervision. It is also the policy of my Ministry to encourage the association of all societies into a district union. These unions will then provide centralized accounting services and advisory services, both managerial and technical.

[The Minister for Internal Security and Defence] have, nevertheless, inflicted serious losses upon them. We had about 110 *Shifja* who surrendered during the period of validity of the amnesty and, additionally, people have surrendered after the amnesty. The forces in the North-Eastern Region of the army, the police, Tribal Police of the Administration, are doing extremely well, and they are being very successful. The *Shifja* morale is very low and the morale of our troops is very high.

As regards the forest fighters, it is to be regretted that there was a group that opened fire on the police and the police returned the fire. Three died and one person was injured. Also, on the part of the police, two were injured. The fight came to an end and the forest people came out. The Government and, I am sure, the Members, regret the death of those gallant men. By the end of the amnesty about 112 forest fighters came out and are now waiting peacefully at home to be settled.

Mr. Lorema: Mr. Speaker, Sir, in view of the fact that the *Shifja* are taking people's lives in the form of instalments, would the Minister tell the House what steps the Government is taking towards final eradication of *Shifja* activities in this country?

Dr. Mungali: Mr. Speaker, Sir, I have said that the Government is doing everything possible. We have sent an army there which is doing extremely well; we have the police there too and also the local Tribal Police. They are all working together in harmony towards the eradication of the menace of the *Shifja*. At the same time, we look for co-operation from the neighbouring States so we do not have the *Shifja* supplied with weapons by people from another country. Then I am sure that instead of using our energies fighting the *Shifja*, we would be able to use the money which is being spent there now for development of schools, hospitals, water supplies and general development of the area.

Mr. Ekitella: Mr. Speaker, Sir, really this is a very serious thing and I do not want anybody to laugh. This is a very serious thing. Many of my Turkana people have been killed—

The Speaker (Mr. Slade): You must ask a question, Mr. Ekitella.

Mr. Ekitella: I would like to know what steps the Government, the Minister for Home Affairs, is taking to get rid of these people so that we do not have *Shifja* troubling us?

Dr. Mungali: Mr. Speaker, Sir, I have said already that the Kenya Army, the Kenya Police and the Tribal Police—together with the co-operation of the local people in the area—are very ready to attack and to destroy these people who are not conforming to the law and order of Kenya.

Mr. Mbogoh: Mr. Speaker, Sir, arising from one of the Minister's replies, to the effect that there were many people who surrendered and in view of the fact that there were those who did not surrender and who defied the amnesty, what is the Government doing about these people when they do surrender?

Dr. Mungali: Mr. Speaker, the Government is doing the best it can to settle them as peacefully and as fast as possible.

Question No. 905

WEST POKOT INCLUSION IN DEVELOPMENT PLAN

Mr. Lorema asked the Minister for Economic Planning and Development why West Pokot had not been mentioned in the Red Book of the Six-Year Economic Development Plan for Kenya.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. During the preparation of the 1964-1970 Development Plan, detailed planning for individual districts was regarded to be primarily the responsibility of regions, although individual Central Government Ministries had their own plans for districts, and West Pokot was included in these plans. The regions did not have enough time to prepare detailed plans before the publication of the national plan. However, in the revision of the published National Development Plan which is now being undertaken under the new Constitution, individual districts are being considered and steps will be taken, where possible and appropriate, to define their targets for the major sectors of the plan.

Question No. 917

THEFT OF DRUGS BY DRESSERS

Mr. Mbogoh asked the Minister for Health and Housing what action had been taken against dressers caught by a doctor at Embu stealing medicine and using it to treat patients privately for payment.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. I did say I had no information with regard to

[The Assistant Minister for Health and Housing]

dressers caught at Embu stealing medicine and using it to treat patients privately for payment. A check has been made by the Inspector of . . . (Inaudible.) . . . police and private practitioners, also the Provincial Medical Officer in Eastern Province. No one has had any report of dressers or other staff being caught by a doctor or anyone else stealing medicine. If anyone has any information, they should report it so that appropriate action can be taken by the Ministry.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, can the Assistant Minister now tell this House he has not even tried to investigate, because in this case it is still in the police books today?

Mr. Moss: Mr. Speaker, Sir, I have replied to the question and I have indicated in my reply that there is no information whatsoever that has reached us. We have made adequate investigation but there is no report up to date and therefore the hon. Member cannot expect me to give false information to this House. This is why I went as far as inviting the hon. Member, I, personally speaking, hate this. The hon. Member should get us any further information he may have so that proper action can be taken.

Mr. Mbogoh: Mr. Speaker, Sir, can the Assistant Minister now agree with me that his reply has only encouraged the stealing of medicine in that area?

The Speaker (Mr. Slade): Next question.

Mr. Anyieni: On a point of order, Mr. Speaker, I would like to know what we are doing Mr. Speaker, there is this question that there is an allegation that these people were arrested and the Minister said that they were not arrested. If in the latter case the Member can prove that the Minister is aware of the fact that some people were arrested in connexion with this stolen medicine, what course should the House take in connexion with the reply given by the Assistant Minister?

The Speaker (Mr. Slade): If a Minister or an Assistant Minister gives a reply on a point of fact in answer to a Question and it has been approved outside the House that his reply is completely wrong, in fact, then if it is an important enough matter, he should be required to correct and acknowledge to the House the fact that he was wrong, and if he is not prepared to do so, I think the Speaker should be informed.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 917: THEFT OF DRUGS AT EMBU

Mr. Mbogoh: On a point of order, Mr. Speaker, I would like to raise this matter on an adjournment.

Mr. Gachoga: On a point of order, Mr. Speaker, in connexion with the second question, the Assistant Minister for Health and Housing, replied on behalf of his Ministry and it appears that if the case is now in the hands of the Police Department, it is now the responsibility of the Ministry of Defence and Internal Security, and is not the Minister for Health and Housing also responsible for the action which has been taken by the police?

The Speaker (Mr. Slade): As some hon. Members have pointed out, there is such a thing as collective responsibility. All I can say is that if the Minister has misinformed the House, whether deliberately or by mistake, on a matter of importance, and it has been pointed out that the information was not accurate, then he must out of respect for the House, correct it in due course. That is all we are discussing.

Mr. Kagga: On a point of order, Mr. Speaker, Sir, in view of the fact that the question indicated that these people were caught, was it not the duty of the Minister to investigate instead of putting it on the hon. Member?

The Speaker (Mr. Slade): It might be his duty but it is no part of the order of this House that he should do so.

ORAL ANSWERS TO QUESTIONS

Question No. 934

ENGLISH MEDIUM FOR TEACHING: KURIA

Mr. Maitori-Jumbo asked the Minister for Education whether he could explain to the House why there was no school in Kuria Constituency teaching in the English medium as was being done elsewhere?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The demand for provision of English medium (now the new primary approach) classes has completely outstripped the Ministry's resources. These new primary approach classes which have so far been conducted on an experimental basis have become so successful that the parents have begun to demand them all over the country.

[Mr. Maitlo] have returned to their original places where they came from before, and they are still teaching in those schools.

Question No. 853

EVICTON OF SQUATTERS: RIFT VALLEY

Mr. Godla asked the Minister for Lands and Settlement if he could tell the House how many of the illegal squatters who had been evicted from the Rift Valley Province by the new African farmers had now been given fresh settlements and how many had been unfortunate and were still homeless.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. As far as I am aware, no new African farmer in the Rift Valley has evicted the former ex-labourers who are now known as illegal squatters. However, complaints against these people have quite often been presented to the police who, in turn, have handed them over to the courts and, although the courts have quite often issued eviction orders, no action, so far, has been taken against any person who appears to have no alternative home.

It is estimated that there are roughly about 2,060 illegal squatters squatting on farms which have now been taken up by the new large-scale African farmers and the small plot-holders on the settlement schemes. Roughly, 140 of the former ex-labourers of all tribes (but the majority of whom are Kalenjin) have been allocated plots in settlement schemes. If action were taken on the eviction orders which have been issued by the courts, a large number of Kikuyu families would suffer, as many of them have no alternative homes.

During the last year, about 143 illegal squatters were evicted from settlement schemes and from a few farms now owned by large-scale African farmers, but it is highly doubtful that these people went away for good; in fact, some of them have been seen back on the same farms.

I can assure the hon. Member for Hamisi that my Ministry is very much aware of this problem and is at present holding discussions with the various interested parties with a view to seeking a way of providing these people with a living opportunity.

Mr. Godla: Mr. Speaker, Sir, arising from the Assistant Minister's reply, in which he said no evictions had been carried out by the African farmers against the squatters, does he imply that 100 per cent of the squatters who had been

on these farms which have been taken over by Africans are still staying on these farms and that none of these has been evicted?

Mr. Gachago: Mr. Speaker, Sir, my reply was very clear and all I said was what I am aware of, but if the hon. Member is aware of any persons who have been evicted, my Ministry would welcome any representation he would like to make.

Mr. Ochwada: Mr. Speaker, Sir, arising out of the Assistant Minister's reply where he stated that, although the Court had made decisions, no action had been taken, and secondly, that they have not been removed because they could not get a place to go—and specifically referring to the Kikuyu—do we understand that the decision of the Court has been flouted because its squatters concerned or involved were Kikuyu?

Mr. Gachago: Mr. Speaker, Sir, in my reply, I never at any time suggested that.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, is he not aware of the specific case now in his Ministry about people who were evicted from Nalu low-density scheme and who are now being given accommodation by the Ministry of Lands and Settlement?

Mr. Gachago: Mr. Speaker, Sir, the question referred to people who have been displaced from farms occupied by the new large-scale African farmers. If the hon. Member can assure me that all the people at Nalat are there as a result of eviction from farms occupied by the new African large-scale farmers, then I will agree with him, but I do not think that this is correct.

Mr. ole Tiplis: Mr. Speaker, Sir, is the hon. Assistant Minister aware that despite the Resolution of this House to put a stop to this arbitrary eviction of squatters, the Government has done absolutely nothing to stop it? People are being evicted here and there.

Mr. Gachago: Mr. Speaker, Sir, the question has nothing to do with day-to-day evictions. This refers to the people so far who have been evicted, and I presume that the numbers I have stated must have been evicted prior to the passing of this Resolution.

Question No. 899

COST OF LAND IN THE KENYA HIGHLANDS

Mr. Lorema asked the Minister for Lands and Settlement if he would tell the House the present cost of land in the Kenya Highlands

[Mr. Lorema] per acre for developed, under-developed and non-developed land?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. There is no fixed price of land anywhere. The value of land depends on many factors, including its situation and potential—factors, which I believe the hon. Member for West Pokot will appreciate. Perhaps, he will also appreciate that it is difficult to differentiate the difference between developed and underdeveloped land or between underdeveloped and non-developed land. These terms are used so locally that the cost of land cannot be uniform throughout the country.

However, working out from purchases of land which have so far been carried out for settlement schemes, the sales of fully developed or partly developed land, over the whole of Kenya, are at an average cost of approximately Sh. 200 per acre. The cost varies widely from about Sh. 40 per acre for developed ranching land in the dry areas to about Sh. 300 for developed and highly productive land in the high rainfall medium altitude areas. Very few sales of non-developed land are taking place at present, and, even if they were, it would not be possible for my Ministry to give the values as these would not be the same for all areas.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply that it is very hard to indicate the value of land per acre, could he tell the House how his Ministry arrives at the total purchase of land in a given place?

Mr. Gachago: Mr. Speaker, Sir, although I do not really understand what that question refers to, as I stated earlier on, there are so many factors to be considered in the valuation of land and these factors are considered and taken into account in accordance with the particular land which is being valued, but no one can say that land costs so much in general terms.

Mr. Mabori-Numbo: Mr. Speaker, arising from the Assistant Minister's reply, that undeveloped land has a different valuation, can he tell the House why an African should buy his own land and not undeveloped?

Mr. Gachago: Mr. Speaker, Sir, I do not think that the supplementary question has very much to do with the original question, because I have said very few sales of non-developed land have taken place at present. I think that answers the hon. Member's question.

Mr. Choge: Mr. Speaker, Sir, would the Assistant Minister tell us what factors he considers before a settler sells his land—I mean when a white settler sells his land—to an African, at say the price of Sh. 400 an acre, when the land has never been developed before?

Mr. Gachago: Mr. Speaker, Sir, it is very difficult to answer the hon. Member's question, if it does not refer to a specific part of land. As I have said, the general points considered are situations—where the land is situated—and then the potential of land. These are the chief factors considered, and if the hon. Member would like to refer to a specific part of land, then he would see how this would be applied.

Mr. Ngata: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, could the Assistant Minister assure us that he would consider waiving the price for the soil in Kenya to allow money to be made available to Africans who buy land to develop the land, so that they do not have to buy their own soil?

Mr. Gachago: Mr. Speaker, Sir, I am not prepared to give such an assurance, but I am prepared to give one assurance, that each piece of land will be valued and the price will be fixed in accordance with the established factors.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 899: COST OF LAND IN THE KENYA HIGHLANDS

Mr. Masinde: In view of the very unsatisfactory reply from the Assistant Minister, I would like to raise this matter on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 903

MEASURES AGAINST SHILLA AND FOREST FIGHTERS

Mr. Lorema asked the Minister for Internal Security and Defence if he would tell the House if any measures had been taken by the Government against those *Shilla* and forest fighters who ignored the President's *Jamhuri* amnesty.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. As regards the *Shilla*, the security forces have been unremitting in their pursuit of Somali and Moran gangs of bandits who continue to attack peaceful inhabitants of the area, chiefly for the purpose of loot. These gangs have shown themselves ever less ready to encounter our forces who

[The Minister for Internal Security and Defence]

I am not aware, nor are the police that Mrs. Lpanare was pregnant at the time or that she has suffered a miscarriage; if this was the case, as the hon. Member is now suggesting (and neither he nor anyone else appear to have made any previous complaint to any of the competent authorities), it is of course a matter for regret.

Question No. 790**PROMOTION TO ASSISTANT GAME WARDEN**

Mr. Rurumban asked the Minister for Natural Resources and Wildlife if he would tell the House whether the experience of Mr. Peter Loiyanae Ajore, plus the short course he underwent in the United Kingdom on wildlife, warranted his promotion to the post of Assistant Game Warden.

REPLY

The Minister for Natural Resources and Wildlife (Mr. Ayodo): Mr. Ajore went on a six months' study tour of the United States National Parks Service with a view to being appointed by the Samburu County Council in their Game Reserve. On his return in December 1963, the council was unable to offer him a job, and he joined my Ministry as a Game Scout in February 1964. The six months' study tour and his one year's service with my Ministry do not qualify Mr. Ajore for promotion to the post of Assistant Game Warden. Before a person can be appointed as an Assistant Game Warden, he must be of Cambridge School Certificate standard and in addition undergo training for not less than one year including a course of instruction at the College of African Wildlife Management.

My Ministry has already arranged for Mr. Ajore to take an intensive course of nine months, beginning in January at the Mweka College of Wildlife Management in Tanzania. If he is successful at the end of his course, he will be considered for a promotion to the post of Assistant Game Warden.

Question No. 791**PROMOTION OF POLICE SERGEANT**

Mr. Rurumban asked the Minister for Internal Security and Defence if he would tell the House why Sergeant Ogus of the police in Maralal was not considered for promotion after he had attended a Sub-Inspector's course twice.

REPLY

The Minister for Internal Security and Defence (Dr. Mungai): I am not prepared to discuss questions relating to individual civil servants in this House, as doing so would be contrary to the accepted practice whereby civil servants (and indeed any other persons who cannot defend themselves) are not brought into argument here. What I can do, if the hon. Member so desires, is to explain the general policy governing promotions in the Civil Service. Briefly a civil servant falls or rises by his character and performance and no reference is made to tribal or other factors. To discuss the reasons why a particular officer has not been promoted is to give the officer's falling publicity which is completely unjustified.

Question No. 793**ABSENCE OF MEMBER AT CIVIL SECRETARY'S BARAZA**

Mr. Odero-Sar asked the Assistant Minister, President's Office if he would tell the House why his presence was not required by the police at the Provincial Commissioner's Baraza at Boro in Alego Location on 10th October 1964, when the Alego chief and assistant chief were being appointed.

REPLY

The Assistant Minister, President's Office (Mr. Nyanjwaya): There is no truth whatsoever in the allegation by the hon. Member that his presence was not required by the police at the Provincial Commissioner, Nyanza's Baraza at Boro in Alego on 10th October 1964. The whole truth of this incident is as follows:—

• The Provincial Commissioner, Nyanza, and the District Commissioner, Central Nyanza, went to Ukwala in the hon. Member's constituency, and installed the new Chief of Ugenya there. The hon. Member himself was present at this ceremony.

The party then left for Boro in Alego Location together with the Member of Parliament for the area, the hon. L. O. Rainey, to install the Chief and Assistant Chief of Alego. A large crowd had gathered at the place by the time the party arrived.

As a security precaution, the police cordoned the area and refused to allow any more people to enter the arena. Amongst those kept out was the hon. Member. He refused to disclose his identity, when asked so to do and besides, he was dressed in a manner that could not distinguish him from the other people who were being kept out.

Tuesday, 23rd March 1965

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:—
Bernard Mate.

COMMUNICATION FROM THE CHAIR**SENATE MESSAGES ON BILLS**

The Speaker (Mr. Slade): I have to inform hon. Members that the Senate has agreed to the Supplementary Appropriation Bill, without amendment, on the 9th March 1965, and has also agreed to the Electric Power (Amendment) Bill, without amendment, on the 12th March 1965.

PAPER LAID

The following Paper was laid on the Table:—
The Advocates (Admission) (Amendment) Regulations, 1965.

*(By the Attorney-General (Mr. Njonjo)).***NOTICES OF MOTIONS**

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

GUIDANCE FOR FOREIGN-AID TEACHERS

THAT in view of the dangers likely to arise as a result of unchecked methods of teaching and lack of knowledge of local conditions by the foreign-aid teachers coming to this country, this House urges the Government to establish a reorientation institute in Nairobi whereby their teaching methods will be sufficiently guided.

GOVERNMENT TO CONTROL ECONOMIC STRUCTURE

THAT in view of the urgent need for the implementation of the African economic socialism in the Kenyan manifesto, this House urges the Government to negotiate and take bigger shares in the country's major companies and businesses, thereby facilitating a direct participation by Government of the people in the formulation, promotion, implementation and control of the economic structure and policies suitable to the aspirations of the majority of the people.

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

LOANS FOR POOR FARMERS

THAT in view of the fact that the Government is granting loans for the purchasing of land in the former Scheduled Areas, this House calls upon the Government to give loans to the poor people who cannot afford to pay the percentage required before a loan is granted, and that such loans be supervised and controlled by a professional officer, and who shall after every harvest deduct a certain amount to repay the loans, leaving the rest to the poor farmers to pay for the labour and other expenses.

REORIENTATION COURSES FOR STUDENTS RETURNING FROM ABROAD

THAT in view of the fact that we have students studying abroad, either in Eastern and Western countries, and on completion of their studies return with various ideologies and cultures which can endanger our Government and the country, this House calls upon the Government to prepare courses of instruction on the Government's policy and the machinery at the Lumumba Institute for the reorientation prior to their taking up employment.

ORAL ANSWERS TO QUESTIONS**Question No. 832****AUSTRALIA-TRAINED TEACHERS**

Mr. Komora asked the Minister for Education if any use had been made of the two gentlemen who trained for multiclass teaching in Australia in 1963.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The two teachers who returned to teach in their schools are doing useful work. The Ministry of Education is at present considering whether to introduce the system of multiclass teaching in the sparsely populated areas. If it is found possible to do so, then I believe these two gentlemen will be made full use of.

Mr. Komora: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he implying that teaching is not a useful job?

Mr. Mutiso: Mr. Speaker, I did not imply so.

Mr. Komora: Mr. Speaker, Sir, will the Assistant Minister tell us what these two gentlemen are doing for the time being?

Mr. Mutiso: Mr. Speaker, Sir, the two gentlemen referred to in this question at the moment

[Mr. Odury] ever been promoted by this Government, although there is one who is now in the administration who is now a district officer, this gentleman joined the Kenya Government service in 1958 as a district assistant, was promoted to a district officer and to date is still a district officer. Some young men with these qualifications who joined the services yesterday are now provincial commissioners, are now permanent secretaries, and yet this boy has a better brain than many of the civil servants who have been promoted. I know some of them only have Standard VIII education, and if the Minister wants the names I can give them to him. Some of these people are today district commissioners and yet do not have much education. I demand a statement from the President. For your information, Mr. Speaker, I have written more than five letters to the President regarding the Kenya Government services, he told me that I should write to him and remind him; this I have done and I have not received a reply since I have been in this House, and I have now been here for two years. I am wondering what is going on.

When I finish I want to talk to the Minister and tell him that we want the price of maize to be raised immediately. If he does not raise the price I can assure him that there will be no maize from the Western Region going to the Maize Marketing Board this year.

The Speaker (Mr. Slade): I must now call upon the Mover to reply.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, the information which has been given to this House falls under two categories; those which are informative and for which I thank the hon. Members for letting me know what happens in various areas where they are responsible to the Parliament, and those which will be passed to the respective Ministers for the proper action. I have taken note of each of them and, of course, the Ministers do read the HANSARDS, and I will let them know what really happened during this Adjournment Debate. The second aspect, Mr. Speaker, is an aspect which calls upon the hon. Members to give real constructive criticism and asking them to try and help the Government because they are part and parcel of this Government since they do form the Parliament.

They should try their level best to make constructive criticism so that Government can act on their criticisms. However, if there are some segments—I may say without bad inference—which calculate to attract then they do not help

the Government. I have never known any Government which has been run because of threats and I would like to ask the hon. Members to be more co-operative. You can always make your arguments more forceful if you do not include any threats.

On the question of the North-Eastern Region I will say this: Government cannot give preferential treatment to certain groups of people because the Constitution lays down that every citizen is equal to the other, whether you are X-this or X-that. I think it has been said in the Government that if there are special cases which warrant attention the Member responsible to that particular constituency should bring that to the attention of the appropriate Ministry for requisite action. Therefore, to threaten and say that they are going to secede is not good. The Government will take note if a Member raises that if so-and-so is not done then certain action will be taken, because the Government is prepared to take a note of such statements. However, at this moment I am appealing to the Member for North-Eastern Region to make his case to the appropriate Ministry.

I want to move to another very important topic which has been raised by another Member. This deals with the question of land policy. It has been said that the people want to know what is the land policy of the Government. May I assure the Members that this will reach the Government and the Government will in due course consider what is going to be the land policy. I think this is an important point and I will let the other Ministers know about it. It is true that there is this obstruction because many Africans are landless, but, Mr. Speaker, Sir, we must take time to lay our foundations and lay them properly by evolving a system of land policy which will not be subject to another Government coming to say, "This is no good at all." We must evolve this policy according to the wishes of the people of this country and this takes time because we have to take statistics and we have to consider deeply in what way the people will want us to act. I am very grateful to the hon. Member who raised this question.

There is one aspect on which I want to deal now and here I would like to mention that a lot of things have been said about socialism, partyism, nepotism and all sorts of things. I would like to assure this House that the ism which is going to be ours will be one of our own making, and it must suit our environment, the environment of the society and the existing conditions of the society. We are not prepared to borrow an ism

[The Minister for Co-operatives and Marketing] from somewhere else. If it is a question of experience, the people of Kenya, Mr. Speaker, will borrow the experience which we think will be suitable and which will be good for the nation-building of this country. However, the question of ism must be our own. This is the point I want to stress. We are not going to borrow from the East or the West. The ism of our own making, that is, must be ours, it must not be a borrowed one. Therefore, any political ideology, Mr. Speaker, should be our own; perhaps this will be Kenyaism and socialism will be within ourselves.

We say a lot of things here. We are people who are responsible to our constituencies. Somebody has indicated about crime, about the *Shifita* and so on. Members must realize that the world is watching us to see whether there is an increase in crime during the time we have been independent or whether there is a decrease in crime. Our responsibility will depend on the decrease in crime. If we have no crime in this country then let us show everybody that we have no crime at all. The world will see that we have truly attained our independence and we know how to run our country. However, if we, the hon. Members, are going to make speeches which will be calculated to mean that we are conniving in establishing certain kinds of crime, when the crime is committed we shall be responsible and the dignity of this great country will be lowered.

Therefore, Mr. Speaker, these are the things which I am asking the hon. Members to take note. There is a tendency to feel that the Cabinet Members are very different from the Members of Parliament. Am I not a Member of Parliament in the same way as you are? We should come together, we should work together in co-operation. If we bring our problems together I am sure we will find a solution to them. I do not think I am any more superior than you, I am not in a higher position than you except that I have a higher position perhaps because of the responsibility that I have to carry in this country. I do not think that we, the Cabinet Members, are superior at all, but we have a responsibility to carry. I ask the Members to come along with us, be with us. There has been a lot of talk behind our backs. You are responsible to your constituency, to the Government, to the Parliament and therefore you must contribute and co-operate with the Government who you elected.

Mr. Speaker, Sir, with these few remarks, I yield the floor to the hon. Members for what they have said, and the Government has made notes of their remarks.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until Tuesday, 23rd March at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 787

REPLACEMENT OF TRIBAL POLICE UNIFORM

Mr. Rurumban asked the Minister for Home Affairs if he would consider replacing the red calico which the tribal policemen wear in Samburu District on their heads with a better hat.

REPLY

The Minister for Home Affairs (Mr. Moi): Yes, Sir.

Question No. 788

ARREST OF COUPLE

Mr. Rurumban asked the Minister for Internal Security and Defence:—

(a) The grounds that led to the arrest of Mr. and Mrs. Lpararen s/o Lepille by Chief Inspector of Police, Maralal, at Kirumun on 19th September 1964.

(b) Whether the Minister was aware that the arrest of the couple and their being transported on a lorry which was carrying a deceased person caused an abortion to Mrs. Lpararen.

REPLY

The Minister for Internal Security and Defence (Dr. Mungai): Mr. and Mrs. Lpararen were arrested on 18th September 1964 for the offence of trespass on the Kirumun holding ground in the Maralal police station area on the complaint of the Veterinary Officer-in-Charge. On 19th September 1964 they pleaded guilty to trespass and were fined Sh. 10 each.

They were transported on a police lorry to Maralal police station with five other persons and it is true a body was carried on the same lorry. This body was wrapped in blankets and also covered with an army-type greatcoat. There is only one lorry at Maralal and here, as in many other parts of Kenya, it sometimes happens that bodies have to be carried in a vehicle with passengers. Distances are so great and vehicles so scarce, it cannot be avoided.

The Speaker (Mr. Slade): Yes, it was right by the hour-glass.

Mr. Nyalike: Mr. Speaker, Sir, I have a point to make about my Winam Constituency. This constituency, from which I come, is one of the neglected areas in Kenya. I would not pretend that Winam Constituency has any development. In this constituency we do not have any secondary school at all to cater for intermediate boys, and it is annoying that we were neglected by the Colonial Government due to the fact that it is low lying land and as such it is muddy and not suitable. We have to have some irrigation, particularly in this area, in order to top up economic potentialities of these localities. Several times we have been told that irrigation is essential in order to control planting in this area. It is to my dismay, Sir, that we have been waiting for this irrigation, and nothing so far has been done. While we understand that the Government is doing all it can, there should have been some measure in order to control the stream and river flooding. Today, we are having drought, and it is a long one, but if we are going to have rain, it is obvious that we will have flooding, and it will not be surprising to see Government sending public funds, and visiting these areas. I call upon the Government, Sir, to see that something is done in this area to control the serious flooding.

While irrigation is not coming at the moment, we have people who have their land ready for cultivation of cotton and sugar cane, but as long as the land is dry, we cannot do anything, as a result of which, we are today coming to be a kind of begging community. We do not have anything in the area for our own consumption, and it is shameful that the Government should only give priority to the areas where there has been development already.

As far as our hospital facilities are concerned, Sir, we do not have one in this area to cater for our people, although we are being assisted by Kisumu Hospital, which is a national hospital, and as a result we have a number of patients visiting this hospital who are not properly cared for, and to my surprise, Sir, recently the Lord Mayor of Kisumu died in a ward where he should not have died. Many patients are sleeping on the ground, because the beds are full. We have been told that a hospital is to be built in Kisumu, but for how long are we going to wait? Something should be done now to see that the existing wards be expanded to accommodate people when there is the necessity.

Mr. Speaker, Sir, unless something is done in this constituency of mine, there is going to be a lot of trouble in the country. Recently, a number

of farms around the Miwani have been burnt, and the people burnt these farms in order to try and obtain employment. As such, I call upon the Government to do something for them.

The Speaker (Mr. Slade): I am sorry but your time is up.

QUORUM

Mr. Mwarimazi: On a point of order, Sir, do we have a quorum?

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now.

Mr. E. D. Godana: Mr. Speaker, Sir, I beg to support several points raised by the hon. Member for Wajir North.

Mr. Speaker, Sir, the hon. Mr. Khalif has just emphasized that the *Shifita* who have just come out of their forest were discriminated, and this is quite true, Mr. Speaker. There are quite a number of these people who have been *Shifita*, and now today, they are just in Nairobi, but they do not have a place to sleep or to stay or do anything, and they have been going to areas to be engaged in some kind of work, but there is no work for them which is a great shame.

I should like to request the Government to look into this state of affairs, and these people should be given jobs somewhere or in any scheme within Kenya. I would also like to speak on the question of Somalis not in the Kenya Cabinet or as Assistant Ministers. This has been a very disappointing point, Mr. Speaker. In all the country today, all the women and children talk about this, as to why the Somalis were not included in the Kenya Government as Cabinet or Assistant Ministers. This gives a very bad situation to our Government.

Therefore, Mr. Speaker, I would ask this House to put this question very strongly to our President, Mzee Jomo Kenyatta, that Somalia and the north country be included in the Kenya Cabinet, and as Assistant Ministers.

Therefore, Mr. Speaker, Sir, I would like to go to another point about European police officers in my constituency.

The Speaker (Mr. Slade): I think I must interrupt you, Mr. Godana, because strictly in accordance with the Resolution of the House on this kind of Motion, it is now time to call on the Mover to reply for five minutes. We can go on

(The Speaker) If the House wishes and call on the Mover to reply a little later, if hon. Members do not object to giving us a little longer.

Mr. Oduya: are you objecting?

Mr. Oduya: No, Sir.

The Speaker (Mr. Slade): If no hon. Member objects, we will carry on and I will call on the Mover to reply at 12.25 p.m.

Mr. Khalif: On a point of order, when you put the question as to whether there were any objections, I thought Mr. Oduya had already objected.

The Speaker (Mr. Slade): You may continue, Mr. Godana.

Mr. E. D. Godana: Mr. Speaker, Sir, I will just speak about European police officers in Marsabit and Mwea/Teberer. Mr. Speaker, Sir, the police officers do not give due respect to the M.P.s of that area. I would like to quote an example of what happened on the 1st December 1964. We had just arrived in Mwea/Teberer with the Assistant Minister, Mr. G. Godana. When we arrived at the airport some police S.P.s with a Chief Inspector of Police, all Europeans, came to the airport to give us a lift in a Land-Rover. The S.P. who was driving, asked the Chief Inspector to sit in the front of the Land-Rover, we had to sit in the back of the Land-Rover. The M.P.s and the respected people of the area had to sit in the dust in the top of the Land-Rover and the people noted this and asked themselves, what type of M.P.s are you when simple people like the Chief Inspector and a pilot can order you about and tell you where to go, what time you should leave? Mr. Speaker, this was a very disappointing incident and our Government should look into this affair. That is why I am supporting the Motion which has been today raised by Mr. Shikuku, because some civil servants—

The Speaker (Mr. Slade): We cannot go back to a Motion which has been dealt with.

Mr. E. D. Godana: Mr. Speaker, Sir, that is why we said, that indeed it is very important that we should raise such a matter and that such a Motion should go through. Mr. Speaker, I would like the Government to make a note of this—I only see one Minister and Assistant Minister, to take this point to Government and report it—so that such incidents will be prevented in the future, and to ensure the Members will be given their respect. Thank you, Mr. Speaker.

Mr. Oduya: Mr. Speaker, there are a few points which I want to make very clear to the Minister

who is here, Mr. Speaker, we have noted very recently that the security for our Vice-President is not very good. The security escort which was given to him during the Republic celebrations was withdrawn and we want to know why, because in Tanzania the Vice-President, of course, is given permanent security. In Tanzania the Vice-President is given a permanent escort, and at the moment the Vice-President is just treated like any other ordinary Member, without any official escort. We want this noted and the House informed.

Another thing I want to mention to the House, Mr. Speaker, and the Minister should take this into account and present to this Government, is the salaries of the new chiefs. Some of these chiefs were highly paid people getting about Sh. 800, Sh. 900 a month, and some of the new ones are only being paid Sh. 160 a month, and some are paid Sh. 360 a month, which is very shameful because one could find that a subchief who has worked for some years is earning more than the chief. Now, when the subchief learns that he earns more than the chief I do not think that he will give him any regard. That should be noted.

I now come to the actual point which I wanted to put very clearly. I have always complained in this House, Mr. Speaker, Sir, that although the Kenya Government has stated very categorically that the Government of Kenya is for the peoples of Kenya, I do not see (how my people will negotiate with the Government when the Government is deliberately rejecting and refusing even to listen or to publish what I have always told this Government about the recruiting problems. On the question of employment, recently they employed about thirty-six district assistants and no notice was taken, although I remember about five of them did not apply, all with the senior K.P.E. and some of them had been teachers for nearly seven years and they are K.T.I. I now want a clear statement from the Government telling me exactly what I should tell my people at home but I remember when the Prime Minister, who is now the President of Kenya, came down, he assured my people that they would be given jobs in the Government of Kenya, the administration in the Government of Kenya, but to date they have not been particularly, but to date they have not been considered. They give all the big jobs to Kiambu people and this idea of one district being able to dictate over Kenya must be changed.

Another thing, Mr. Speaker, Sir, I would like to inform the Minister to tell the President that it is high time that the Teso people are told and this House is told why, since the promotion has been established up to date, not a single Teso has

[Mr. Mbogoh] the Asian community stand in Kenya today. Asians in Kenya have decided to withdraw absolutely from all social life in Kenya and I think this is the high price—

The Speaker (Mr. Slade): Mr. Mbogoh, I have said before that you must not make such generalisations about a certain community on anything. You can say some have, but you are not justified in saying "the whole of the community".

Mr. Mbogoh: I am sorry, Mr. Speaker, I withdraw "the whole of the community" and say some of the Asians in Kenya have decided to do that. I think this is the right time for the Government to decide to bring all the communities in Kenya together and let us see them working together, all the different races of this country. Mr. Speaker, this Government has promised free education in the country. It has promised nearly everything that a human being could get free, but just now we cannot get anything free from this Government. People were told to help themselves and then we would help them. For example, if I had that—

The Minister for Co-operatives and Marketing (Mr. Ngel): On a point of order, Mr. Speaker, is it in order for the hon. Member to allege the Government has promised all the things which are free? Is that really in order? The Government did promise certain things—not really promise, but mention—that they would do for the country.

The Speaker (Mr. Slade): I am afraid one sometimes cannot help over-statements of things, Mr. Ngel. The House knows really what promises Government has made and what they have not.

Mr. Mbogoh: However, Mr. Speaker, I have said that the Government promised that it would help those who help themselves, so the point or order, I think, is not necessary.

The Speaker (Mr. Slade): He is quite entitled to raise a point of order.

Mr. Mbogoh: So, Mr. Speaker, I say that in Embu we have built four secondary schools with our own hands and without any Government help. When we went to look for help from the Government because one of them had been taken over by the Government and, we thought that they could not take one of these over, we found that in some districts Government had taken over seven schools and in some other places they had taken ten. You will find that we Embu people are left to cater for ourselves. I think policy of the Government, developing some places and ignoring

other should be forgotten right away and put in line with everything else.

Mr. Speaker, Sir, this Government discharged some chiefs on the grounds that they were out, but even today I find that there are very old chiefs who have not been discharged because they have colonial mentality and they are favoured by people in the offices. After all that the Government decided to leave them there.

So, Mr. Speaker, I support the adjournment.

Mr. Kase: Mr. Speaker, Sir, I would like first of all to say that we, Members from the Coast, were disappointed when the Vice-President visited Mombasa. We noticed that when some Ministers go there, they receive a very good reception, but when the Vice-President went there, the reception was very poor. We would like to know what happened; either the Vice-President gave very short notice, which I would object to, or the person in charge in Mombasa deliberately decided not to publicize the fact that the Vice-President was going. I say this because I went there a day earlier and I saw a Land-Rover of the Information Department going round and saying, "Well, tomorrow the Vice-President is coming. You can either come or not." I think this is wrong.

Mr. Speaker, I cannot remember the number of that Land-Rover, but if I go there, I can find out the number and hand it over, so that they can find the officer who was saying this. Now, this is very bad, the Vice-President of Kenya visiting Mombasa for the first time, to say, "You can either come or not come." Some people said, who were leaving, "We can still rest, perhaps he is not coming for something important." Now this is a very serious thing. We noticed, too, that once a certain Minister goes to Mombasa, the Mayor of Mombasa asks the shopkeepers to close their shops down in respect and attend the meeting. What happened when the Vice-President went? The Mayor said, "Well, I am not responsible for the closing of shops." How is it that he is not coming for something important? How is it not responsible to other Ministers to ask these shopkeepers to close down and yet he is not responsible to the Vice-President? We would like the Government to note this and go into this matter. We are greatly disappointed and we think something was cooking somewhere; that this thing was not handled properly. It was only after the Members had attacked the group, that they, people, turned up to see the Vice-President off. Those who accompanied the Vice-President can bear out, that when the Vice-President arrived at the station there were about fifty-five people. After the Members had quarrelled in the stadium, there

[Mr. Kase] were then a whole chain of people from the Oceanic Hotel to the stadium.

I think the Government should note this; they must trust the Members, because if they had told the Members about the Vice-President's visit this thing would not have happened. But because they trusted a few individuals this was what happened. The Minister for Co-operatives and Marketing should inform his other Ministers that it is a great danger to rely on these gentlemen in this field. We, people from Mombasa, were greatly disappointed.

I will leave that point now. Another thing, Mr. Speaker, is something which is very small but very important. It is known that the chiefs play a very good part in this country, but what happens when a location remains for one year without a chief? What difficulties are there in appointing a chief? In my district, we have four locations without chiefs: from April 1964 up to today, they have not had one. I think the Government should decide to hurry things up and appoint someone, whether he is their favourite or whether he is somebody else's favourite, or anybody, but let us have someone whom we can look upon. They should not leave the location alone like that. What happens in these areas? I have known a location where people decided to appoint their own chief. They said, "This is our chief." Every month they decide to contribute a few shillings and give them to him. This is encouraging people to become corrupt. In this location, these people say, "This is our chief." They have caused the people to become confused. The Minister should inform the Ministry concerned so that we can have this thing squared up.

Another thing, Mr. Speaker, the Minister for Information is not here but somebody will tell him—we are surprised that these information officers stay in Mombasa and Mombasa alone. They are supposed to be Coast Province Information Officers, but not for Mombasa. They should therefore make an effort to go to other places and see the progress which is happening in those places.

Mr. Gleboya: Mr. Speaker, Sir, I am disappointed to see that we do not have an adequate number of Ministers, only one, so they cannot hear what we say. However, they will have to look at the HANSARD to see what we have said.

I will start with the Voice of Kenya. The Voice of Kenya is the voice of Ministers and I would suggest to the Ministry concerned that they change the title Voice of Kenya to Voice of Ministers, V.O.M.

The reason for this is that since we came to nationalize this industry, it was very good, and we were doing it to bring it into the hands of the nation so that it could be used without any discrimination. Whether this is a question of the Government clearing the statements by Members, one can never tell. The position today is that if you have a public meeting to tell your own people to do this and that, or that the Government wants this and that to be done, it would never come onto the radio. You always hear the voice of the Minister. This is terrible. I listened to the radio recently, and I heard the Vice-President was doing this and that in Embu, but the Member who invited him to that area was never mentioned at all. Did he really go to a place where there were no Members? He ought to have been mentioned on the Voice of Kenya. The same thing happens with the newspapers. There is a lot of discrimination. They have their own representation. This kind of thing will stifle the freedom of the Press. We shall just have to say that there is to be no more freedom of the Press, because it is only freedom of a few, and not the others.

Mr. Speaker, Sir, let me take another issue. There is corruption going on somewhere somehow, in Mwea-Tabere; corruption in a scheme of the Kenya Government. The employment has become a kind of system whereby the man on top, the man with responsibility, is not just Africanizing, but patronizing. It becomes the property of the people. All these people come from Kisumu, or the majority of them do, and they cannot be employed as staff assistants.

Mr. Gatiguta: On a point of order, this question has been repeated so much in this House, so could the Member now speaking tell us how many officers in Mwea-Tabere are from Klambo?

Mr. Gleboya: I think I will give the hon. Member the information next time we come to the Parliament.

So far, Mr. Speaker, Sir, we are not given the chance to help in the scheme. Morally that is wrong. Politically, it could be extended. They must come from the country, because the people who are controlling the machinery come from a particular area.

Mr. Nyallick: Mr. Speaker, Sir, I have a few points to make, while supporting the adjournment of the House.

Mr. Speaker, I come from Winam Constituency, which is part of Central Nyanza, and this constituency—

Mr. Gleboya: On a point of order, I wonder whether I am right in inquiring whether I had my full five minutes?

[Mr. Mallada] something in this connexion as soon as possible in order to help these people to be able to grow more and more cotton. I know the Ministry of Agriculture is doing as much as it can but there is still plenty that can be done. If I turn to Makueni, Nzawi and Kikumbulu locations, where this cotton crop can grow easily, I would like to ask the Government to devise a method whereby the growers of cotton there can be in a position to be granted bigger loans than just £120, the sum which has been stipulated. This can easily be done by the fact that if land titles were issued to these people then the loans that the farmers could receive from Government would be secured on the land titles and could be much bigger for development purposes. For instance, Makueni has no land adjudication problems at all. I remember about six months ago I asked a question in this House regarding the land titles to be issued to Makueni settlers. I was told that by the beginning of this year land titles would be forthcoming, but so far nothing has been done. People are quite ready to receive these land titles, and to use them for economic purposes.

I would like to end my speech by supporting the Member for Nairobi East, the hon. Mr. Kali, in suggesting that Kamba dances should be encouraged and, if possible, introduced in schools. I would go as far, Mr. Speaker, as to say that not only Kamba dances but all African indigenous dances should be incorporated in the curriculum of the primary schools and, if necessary, in the secondary schools.

The Speaker (Mr. Slade): I am afraid your time is up, Mr. Mallada.

Mr. Mallada: I support the Motion.

Mr. Khalifa Mr. Speaker, I would like to use this time to register some complaints. The first one is about those people who surrendered from the *Shifia*. These people are being discriminated against and being neglected and ignored completely. This attitude, Sir, is a very discouraging one and might account unfortunately for the *Shifia* surrenders going back to the forest and starting their malicious activities again. Mr. Speaker, the Government has spent a lot of money to try and persuade all the *Shifia* to surrender. Now that they have surrendered they are expected to lead a normal life. How can they lead a normal life when they are denied jobs, when they are discriminated against? This sort of affairs in the North-Eastern Region can very easily develop into what we saw in Meru. The Government should, besides asking these people to surrender, make some initiative to help these

people resettle themselves and lead normal lives. If the present attitude of the Government of neglecting these people, ignoring them and discriminating against them continues, then there is every possibility of these people reverting to the forest and coming back with force to smash the security of the North-Eastern Province.

Having said that I would like to touch on the question of the Somalis in this country. It is very unfortunate that after we have been asked to participate in the affairs of this country and to give up our secession demands, we only find ourselves discriminated against by other tribes. The Somalis have been denied participation in Government, and in all things in Kenya. This has been done, Sir, very cunningly and the Government intends to make us believe that there is nothing wrong. Sir, there is everything wrong and I would like to submit that the Somalis cannot continue to accept an attitude of being denied participation in their own Government. During the colonial times when we demanded secession, leading politicians like the hon. Mzee Jomo Kenyatta stated the Somalis that they would benefit by staying in Kenya rather than seceding to Somalia. I do not see how this has materialized at all because all I can see now is only one secondary school being built at Wajir. There is no other project which has been started since independence in the North-Eastern Province. If this is what the Government means by benefiting from Kenya then I would have thought, Mr. Speaker, that we were right in the first place to demand that the Government does not review the secession. If the Government does not review the position I submit, Mr. Speaker, that the Somalis in Kenya will review their position and see whether it is in their best interest not to meet their demands for secession.

Mr. Loreman: Mr. Speaker, I would like to take this opportunity to point out a few things regarding my constituency.

Now, the most current issue in my constituency is in connexion with the issue of the Karungu Pokot. Though I have given notice of Motion of this nature there are things which are urgent. Now, the Kara-Pokot who are living in Uganda are in serious danger, especially at this time when Uganda is independent. Now, I know that if I leave Nairobi there will be so many people who will be waiting for me in Kapenguria because Kapenguria seems to be the place where people will be waiting for me in Kapenguria because there who are called the Pokot but when it became independent those who were in the majority, called Kara-Majong, threatened them.

They have told them, Mr. Speaker, that they must move to Kenya where they belong. This

[Mr. Loreman] place which was formerly Kara-Suk and now is Kara-Pokot is a piece of land which is Kenyan and it is understood to be that, geographically and historically. When these people insist that they must come to Kenya, they do not get satisfactory answers and we have now entered to press the Government to transfer these people to Kenya immediately. When administrators from Uganda go there and the Kara-Pokot want to air their views on the threats of security, they are told they belong to Kenya and they are not entitled to have any of the social services. Similarly, when people from Kenya go there, the Kenya administrators in the same manner tell them they belong to Uganda, so they do not know where they stand. There have been so many killings, Mr. Speaker, even during the last few months there were many children killed on their way to school. The elders there found that it was not a good thing for these children to go to school when they have enemies surrounding them.

I would like to urge the Government, Mr. Speaker, to enter into the quickest possible negotiations with the Uganda Government and see what they can do for the immediate transfer of these people. Another thing is, regarding the school K.A.P.E. candidates, those who passed, I am also affected by this thing, Mr. Speaker, and I would like to tell the Government that the results of the K.A.P.E. in some cases, although they have been encouraging, have been futile because there is a discouraging figure for those entering secondary schools. There were many boys who passed but they did not get places there. It is very discouraging, Mr. Speaker, when a boy or a girl who has reached Standard VIII and has worked very hard does not get into secondary school. In my constituency we are still short of teachers. Without education no one can do anything. These boys passed but they did not get anywhere. You will find we have a small high school. Throughout the whole of my constituency only two boys were taken and all the other boys came from various districts of Kenya.

It is true that if you go to a school, a large-sized school you will find that the majority of the students are Kikuyu. If you go to Maseno, you will find that the majority of boys there are Luo; if you go to Kisii high school, the majority of the boys there are Kisii. I do not know why the Pokot cannot be given a chance to get into the schools in the districts. They are entitled to; but they are still being held back.

Mr. Speaker, also those who unfortunately have not gone to school or qualified for the secondary schools, are just left alone. The Government does

not have the proper arrangements to see that those boys who passed are taken for training, or those who did not pass are put in a scheme or anything of that nature. They just leave them roaming from one place to another. This is very unfair, they are the citizens of Kenya. The Government should have a machinery whereby these boys can be put in secondary schools and not left as they are.

Another thing, Mr. Speaker, on this Motion of Adjournment, I would like to mention scholarships. At one time in our constituencies we heard that there were some students who were leaving for other countries. Now we would like the Government to see that these boys do not leave when we are not there. Also the Ministers and the Government should look at this question—

The Speaker (Mr. Slade): I am afraid your time is up, Mr. Loreman, the red light is on.

Mr. Mbogo: Mr. Speaker, Sir, though there is so little time, I would like to, first of all, express my dissatisfaction with the way the land policy of Kenya is being carried out. In Kenya today you find that some people are buying up all the big firms and making them commercial firms while we are complaining here all the time that there are people who are nearly killing us at home because they cannot have even an inch of land to work on, to feed from or do anything. Mr. Speaker, I think this land policy of Kenya should be revised as soon as possible.

Another point which I would like to bring to the notice of the Government is the so-called socialism in Kenya today. To start with, I should preach African socialism but this has failed disgracefully in Kenya today because African socialism has not been defined as yet; as to whether it is Kikuyu socialism, Luo socialism or Kamba socialism which we should follow. Everybody stands up and says, "This is socialism. I am following." Some people go to the West and say, "This is socialism." Some people go to the East and say, "This is socialism." This is the right time for the Government of Kenya to define what socialism means. This Government has been talking about positive neutrality and all sorts of slogans which are used in the world to cheat people about socialism. This Government should stop taking loans with chains attached, while they say they are loans without chains attached, we can see the chains. We can see everything. In that case, you find that this Government is chained to certain countries and they cannot unchain themselves for a long time.

Another thing, Mr. Speaker, which I would like to bring to the notice of the Government is

[Mr. Ngala-Abok] that the people who have been brought here to organize self-help schemes or to teach are still speaking a political language in the class-rooms, and the students will definitely grow more politically-minded.

Therefore the Ministry of Education must know that if anybody has come here to help us, he should simply do his job and no more. At the same time, what is important is to stick to the syllabus and not say that they will teach them in the American way of life. This is very, very important, Mr. Speaker. We would like all these teachers to be brought back to a certain institution where they will be asked to follow a definite line of teaching so that our people can succeed in passing the examinations which is the only qualification for anybody to enter a competitive life.

Sir, I would not like to go very deeply into this, but I would like these gentlemen not to speak politics in the class-rooms, and also not to decide on the books, because we still follow the British pattern of education.

An. hon. Member: It is not the best.

Mr. Ngala-Abok: Whether it is the best or not, this is what is in the country today. These books must be followed; these teachers must give lessons and notes. They say they are not there to give notes, they only give lectures and these students do not bother to attend them. The syllabus lays it down that the teachers are advised to give notes and the teachers do not give notes, they talk a lot of politics and the American policy, which, because they are a rich country, in certain places is questionable. So I would like the Government to note this.

Just before I end—I know my time is nearly up—I would like to remind the Government of one thing. In 1963 it was in the Estimates that Homa Bay Hospital was going to be built, between that year and 1964. Again, last year—

The Speaker (Mr. Slade): Order, Mr. Ngala-Abok! You have had your allotted time.

Mr. Odero-Sar: Mr. Speaker, Sir, previously in this House I brought a case concerning stock thefts in Ugenya Constituency. This is now becoming too much because nearly every night people are losing their cattle and we have been reporting this to the police station at Ukwala but nothing has happened. People are complaining now because they are paying taxes for their services to be given; they expect the policemen to help them during the night when they are asleep, but today nearly everybody is a watchman for his own home. This is very bad indeed, Sir, because

people are now—recently, when I was at home they came and told me that they are not going to pay even their taxes because they are not secure, their property is not secure. This is very wrong and I call upon the Government to see to it very quickly because people are worried. We want to have police posts in different places because it is claimed that perhaps some of the thieves come from the Western Region. We have been trying to find out if these people could be found out in the constituency; very many people say they are from the Western Region. We want this to be looked into by the Government.

Mr. Speaker, Sir, in the constituency the people have accepted land consolidation and they are doing their work, but the trouble is that after they have selected the committee for carrying out land consolidation the African court there goes and interferes with the work that has been done because there are a few individuals who perhaps do not want to consolidate their land; and they go and fight this in the court. Then the work of land consolidation is retarded by this.

Mr. Speaker, Sir, I would like the Ministry concerned to look into this because the people are now wondering what they can do. We tell them "Consolidate your land," and after they have done this then the African courts go and interfere in what has been done.

Mr. Speaker, Sir, the Muhoroni Scheme was supposed to be for the poor man but when the settlement scheme is ready, the people are asked to pay Sh. 1,000; and people are now wondering why or how they can get this money because Sh. 1,000 is a lot of money which can only be paid by a man who is rich or who has plenty of money. This is one of the reasons why sometimes you hear that people are not going to the land; it is because they do not have the necessary money. Some have applied, and after they have been told they have to bring this money, they fail to go to join the settlement scheme.

There is also one bad thing, Mr. Speaker, which is that after one has applied he does not get a reply, even if the land has been set aside for him, these people who are perhaps working in Nairobi or different towns. There should be a clerk or somebody responsible for telling them whether they have been successful or not. This should be borne in mind and I think the Minister responsible should tell us how these people can be able to know whether they have been given land or not.

Mr. Speaker, Sir, previously the people have been promised by the Government that they would be given tractors for cultivating their land for cotton planting. After they were told, they set

[Mr. Odero-Sar] their land side and they have been waiting and waiting but they have not seen the tractors in their area yet. So during this year in my constituency the cotton planting will come very late because they were supposed to be planting their cotton seed in February, early February. But the Government has not sent any tractors there, even now. We would like to know about that.

Mr. Speaker, Sir, finally, here in Nairobi particularly, those people who are looking for jobs here are complaining very much because the jobs which are being provided are being provided according to tribe. If a person is a member of the Kikuyu tribe he will not let a man from Nyanza go to any other area to get employment where he is working. This is something which is taking place and this should be borne in mind and we could be told why this is taking place.

Mr. Makone: Mr. Speaker, Sir, I will be very glad. There is something with the system of planning of the Government and that system is the lack of policy and direction. Mr. Speaker, a few days ago a Member of this House asked for the policy of land settlement, the agricultural policy, and foreign policy. But, Sir, in all fields, in all Ministries, there are no directions, no policy to be followed, the policy which we preach to our people at meetings, the policy we should know as Members of Parliament.

Mr. Speaker, the time is short and I would like to explain something to the Members and the Select Committee with regard to yesterday's issue, which deal with the Settlement Bill. The Minister who spoke yesterday spoke of the people who failed to repay their loans, but he did not—

The Speaker (Mr. Slade): Mr. Makone, I am sure that hon. Members will understand that despite all the freedom that there is in a debate on an adjournment, you cannot actually refer back to another debate we have just had, still less a debate which has had to be adjourned to another day. We cannot deal with that Amendment Bill today.

Mr. Makone: Mr. Speaker, I was only quoting that Bill to air the views of my settlement area.

Sir, this Ministry should look into the activities of the settlement officers in this area. As some Members have said, they use the Government vehicles for their own private use at all times.

Not only that. When they are supposed to go round and advise the settlers they only sit in the offices and wait for the settlers to come and complain about their loans and the repayment of the loans.

There is one big issue now in this scheme. You find that if an African buys a big farm of about 2,000 acres he is asked to repay their loan within 30 years. During the days of the Colonial Government the farmer was allowed to repay his loan within 99 years. Why should we be asked to repay the loan in 30 years? What happens is that we ask them to repay in such big amounts that they cannot afford to do so. Even if a European was allowed to farm 2,000 acres and had been asked to repay the loan within 30 years he would find himself unable to do so. So, if these farmers who were there before our African farmers started farming, if they could farm very well but could not raise the money to repay the loans how can we ask our people to repay the loans in 30 years? Mr. Speaker, Sir, I maintain that in the long run such settlement schemes will fail.

Mr. Malinda: Mr. Speaker, Sir, I would like to draw the attention of the Government to one aspect of land purchases in this country, especially the feelings that are going round the countryside with regard to land being purchased by Asians. It has been said several times that Asians are buying land and because they are in a position to buy land they are doing so from what would seem to be for speculative purposes. We know that the Africans in this country have been suffering from lack of land and also have not had the opportunity to make as much money as the Asians had. The Asians are controllers of the economy as far as the urban parts of the country are concerned. Sir, if this is allowed to continue, if the Asians are allowed to continue to buy land in what used to be the European areas, then, Mr. Speaker, a time will come when the African has the money and the power to buy land that he will not be able to do so except to kneel to an Asian who is a man who will not let anything go at a reasonable or cheap price. So the African will still continue to suffer from lack of land. Although he has money to buy land he cannot do so because the land has passed on to the Asians. I suggest this should be looked into and, as far as possible, stopped immediately.

Another thing I would like to draw the attention of the Government to is that in Ukambani we have the unfortunate situation which always comes up, especially at this present moment, due to droughts and lack of rain, and this is famine which affects the country badly at the moment. There is a crop which can now be planted in the Ukambani so that it will bring money to the Kamba in order to enable them to earn a livelihood. This is cotton. Most of the low land in Machakos and Kitui Districts can grow good cotton and I would like the Government to do

[Mr. Anylen]

Now, Mr. Speaker, Sir, I would like to make another point. Recently there was a bombing, the Congo was using American bombs, American pilots to bomb Uganda. Only just yesterday I saw Mr. Tshombe here. I was moving to my house and the policeman stopped my car on the way. The policeman even stopped my Minister who is now sitting here, he merely let Mr. Tshombe pass. Why should he be allowed to come to our country? We would like to know why he was allowed to come to this country. We would ask our Government to nominate any other person to come here, but not Tshombe, because he is a murderer.

The Speaker (Mr. Slade): No, no. You cannot air your views about the internal affairs of the Congo; you have no right to speak in that way, because we are not at war with the Congo and you must keep out of it. I am quite sure you realize that it will not help those people who are trying to settle these matters if you say this kind of thing.

Mr. Anylen: Thank you very much, Mr. Speaker.

I go to another point and the point is that our Government has always said that it is neutral; in fact, I should say that our Government is not neutral. Why do I say this? Our Government has recognized West Germany and they have refused to recognize East Germany. Our Government has chosen to recognize Southern Korea, but has refused to recognize Northern Korea. We demand that our Government should be able to take the steps which the United Arab Republic and Tanzania have taken to recognize East Germany and also West Germany.

The Speaker (Mr. Slade): Order, order! Your time is up.

Mr. Shikuku: Mr. Speaker, Sir, I have one or two points to touch on in this short time.

One is about the results of the K.P.E. in Butere. Mr. Speaker, and if it has happened elsewhere, the results are being so bad and selection has been so awkward that the Butere people are completely dissatisfied with the whole system. Mr. Speaker, I got in touch with the Minister for Education and tried to find out, and, as a matter of fact, I am seeing him again, what happened. I was told, Sir, that what happened was that they had a machine which refused to take any more work and the result was a delay, after which the sorting out was done and the results went to the various provinces on time, on which the headmistresses and the headmasters made a

selection for the Form I entries. The other result, which came later, as a matter of fact, Mr. Speaker, I am told again, after the machine had refused to work—they managed to handle it somehow or other and got out something—they put in the Post Office and again, in the Post Office there was a delay. Now, as a result these results reached the Western Province, or some schools there, late, after the selection had been done. The result, Mr. Speaker, is that those results which came late—and this affected Butere very much—were so good, so high, where the girls passed with A+, A+, A+, and now these girls have been left out because the selection has been done and they cannot get into any schools. Mr. Speaker, it was no fault of the students or the pupils in Butere, it was no fault of the Minister of Education—I do not blame them because a machine can go wrong, even cars go wrong sometimes—but now we must find a solution, and the solution which I have proposed to the Ministry is that, since that has happened, we should have third or second streams in the Butere Girls High School, and in Muhlia, which is a boys secondary school, and also one stream at Butere Secondary School so that we could accommodate what, through no fault of their own, have been left out. The problem of money was posed, Mr. Speaker, they said that if they had the money they would look into it. Now, what I hate, and I entirely object to, is the excuse of money. If it is a question of money, then the Government must tell us whose fault it is that this situation arose, but as it is not the fault of the children, then we must now consider getting these pupils to schools. If that is not possible, Mr. Speaker, and I want to make it very clear, then we must go by merit. If a girl in Butere had 600 marks and the one who was admitted in the first lot had 400, then one with 400 must be removed from the Butere Girls-High School and my girl should be in that school with 600 marks. This would be on a fair basis of merit, which would be quite justified—I have very bright, beautiful girls who have grey matter upstairs, very good too; I also have boys, Mr. Speaker, very smart boys, and also smart upstairs who also passed from the lower school. I would also suggest at the same time that if we cannot have a double stream at Muhlia Secondary School or Butere Secondary School, then those boys who were admitted will have to give way to those with higher marks on a merit or qualification basis, which I think is very fair and that, of course, will cost the Government money. I can fix the question of transport to get all the boys and girls who had come to Butere Secondary School back to their own homes.

[Mr. Shikuku]

Mr. Speaker, before I go further, I have a voice from the women, and also from the men from Butere. They suggest that if the worst came to the worst, in order to express their feelings, they—particularly the women—would organize themselves to go to the Butere Girls High School and cook in the class-rooms. This is very unfortunate, Mr. Speaker, to cook in the class-rooms and their daughters should be admitted which means that if nothing is done, they must have their freedom to express their disgust at the Government's organization. Even further, Sir, you would find in the list of the K.P.E. results that the names of some women, who never even sat for the examination, appear; this shows the inefficiency of the whole Ministry of Education.

Mr. Ngala-Ahok: Mr. Speaker, Sir, in view of the fact that—

Mr. Makone: On a point of order, Mr. Speaker, Sir, in view of the fact that some of the Members might not have spoken this morning, would it be in order to give some of the Members who have not spoken a chance today?

The Speaker (Mr. Slade): I am sorry, Mr. Makone, I did not quite catch your point of order.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that some of the Members have not spoken, would it not be in order to give a chance to those who have not spoken to speak now since it is the close of the Parliament today?

The Speaker (Mr. Slade): It is quite in order for me to do so, Mr. Makone. It is entirely within the discretion of the Speaker as to who he calls on. He bears a point such as yours in mind, but he does not take direction from Members.

Mr. Ngala-Ahok: Thank you, Mr. Speaker.

In speaking on this Motion on Adjournment, I would like to draw the attention of the Government to certain things that have gone on since the Government was formed and since independence, and which the Government does not seem to take into account.

First of all, I would like to start with the subject of teachers, and particularly the American teachers who are now helping us when we are very much short of teachers in our secondary schools. What has come to my notice, Mr. Speaker, Sir, is that the Government does not realize that these people qualified in American universities, a fact which is quite different from the syllabus or the books that are written and prepared for the attention and for the study of the students at secondary school level. The authors

of these books have quite different ideas; they studied their ideas in a different way, and the American teachers who are supposed to teach in these schools were taught by a different system.

This must be well known to our Government. Before they go to these secondary schools they have got to know exactly what the syllabus is and what they are going to teach. Now what is happening all over the country—and I think this is known by the Minister for Education, because they cry continually that they have no teachers, they have only sick teachers—is that the teachers they do have who are healthy go on teaching quite differently, and the results of the examinations, like the last Cambridge School Certification Examination, become so poor. How can you help it? It is better to have somebody going without education than trying to put some education into somebody which will make that person unable to get on well. It is better to discipline a person who has no education and who will submit and say, "I don't know something," rather than bringing somebody up who does not know anything, who is trying to make himself important and yet he has never learned anything at all from school.

Now what is happening in our secondary schools is just this. I have a case at Homa Bay secondary school where the students have gone on strike just because, first of all, they allege that they are not taught according to the syllabus and because the American teachers there tell them they came to acquaint themselves with the African way of life, not to teach. At the same time, they say they have come to teach for life and not for examinations. At the same time, they allege that the books were written by unintelligent people who were not qualified as well as themselves. At the same time they try to select certain subjects which they should teach and not those ones which are laid down in the syllabus.

I am telling the Government this because the students would not say all these things if the teachers did not say them. It is obviously true that when you get a person qualified at an Indian university, coming to teach, say, in Kenya here where we have been following the British books, if he does not know how to give these lectures, there must be something. At the same time, Mr. Speaker, what I have just said amounts to politics, and these students in secondary schools read their books, they read newspapers, they listen to the radio, and they are learned in politics generally like people in Britain. If you find a person from a country like America, for example, whose influence now is very favourable to some of the African countries—the bombing in Uganda is one example, and the Congo situation—then you find

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I am pleased to hear the information, Sir, dealing with Government machinery is a slow process, it is true, but it has to be slow to make everything perfect; as the Minister for Information says "slow but sure" and it is the policy of this Government to go slow but have perfection after all.

Sir, there is another point I was going on to mention, and that is an example which has occurred in my Ministry. There is an ex-settler whose experience we have valued and we wanted him to teach new African farmers. It has been reported by an hon. Member of this House that when he approached this officer he was told he was not prepared to see this particular Member unless he was conveying a deportation order to him. Now, these are the kind of things that when they are reported to our Government, we are prepared to deal with, we are prepared and our Government is dealing with such cases. Mr. Deputy Speaker, so it is the duty of hon. Members, instead of coming and saying these things in this Parliament, to approach the Ministries concerned and point these mistakes out so that the officers who are doing this kind of thing is dealt with. We are not prepared to frustrate our people who are just going into the farming industry. I am sorry, Sir, that I seem to speak so much on the subject of farming but it is inevitable since this is my business as I am concerned with that Ministry.

Another thing, Mr. Deputy Speaker, I wanted to call upon the hon. Member to help us with it, we think all hon. Members should know the all the civil servants, leave alone the chiefs, in their respective constituencies. I was surprised one day, Mr. Deputy Speaker, when I went to a constituency as an Assistant Minister and found that the hon. Member of this House for that constituency did not know his district agricultural officer. He had a lot of complaints which he was conveying right up to Nairobi whilst he did not know that his district officer, to whom he was to go, knows all about local matters. I think it is certainly fair to say that all hon. Members should know their local officers who can solve their local problems and answer their local questions in those areas, so I think I will ask all hon. Members—I see the hon. Member for Gichugu is very eager to speak, I hope he is going to tell me that he knows all his officers in Kirinyaga District. Mr. Deputy Speaker, Sir, this is a very important issue here as it involves all the Members. If hon. Members know their local officers and provincial officers all the questions that are directed or most of them, could be answered locally. That way,

information could be obtained and only the information that was unobtainable locally would be obtained here in Nairobi.

So I would ask hon. Members to co-operate by calling on local officers or local officers calling upon them if those are the words of the Motion which has just gone through, call upon them and show the difficulties that they have in their respective constituencies.

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

Mr. Kall: Mr. Speaker, Sir, I think politics alone cannot build a nation, and therefore I want to speak on something different. My subject is games and sports.

Mr. Speaker, Sir, any big nation in the world takes an interest in sports. Take for example Russia and America, wherever you hear any news or read about the Olympic Games you find that America has won so many medals or Russians having won so many medals. It is simply that the Government of these two countries take an interest in sports. Here we have the potentialities for, say, footballers, runners and everything, but you find our Government does not even bother, and in fact even the Ministry concerned, and I can see one of the hon. Ministers, you can never see them watching a game of football.

The Assistant Minister for Labour and Social Services (Mr. Odero-Jowi): Would the hon. Member give way?

Mr. Kall: I cannot give way. My Point here is that it is time that Members supported the Football Association of Kenya so that our people can be encouraged.

Also another important point is that we have some African dances, like the Kambas and Tharaka. I am inclined to say that all the county councils in Kenya should be instructed by the Government to order that all schools should teach African dances. If that is so we shall be proud of our own customs. Of course I know that there are some customs which are bad, but we have some customs which unless we are careful we are going to lose. We were told in the past that dances were evil, and that we should only dance European dances and forget our own dances. Who here can now tell us that everybody in this country is not interested in Kamba dances? I am only appealing to the two county councils in Ukambani to instruct that all the children in school to be taught Kamba dances.

An hon. Member: All over Kenya.

Mr. Kall: Yes, thank you, all over Kenya. If the country could agree that these dances are very important then why not order the county councils to order that all the children in Kenya, could be taught the Kamba dances?

Mr. Mwanuzi: On a point of order, Mr. Speaker, Sir, could I ask the question that when this Motion for the adjournment is moved by the Ministers or the Assistant Ministers should be present. We speak on matters in our constituencies, we do not speak about these matters because we ourselves are back-benchers. We tell either the Ministers or the Assistant Ministers themselves.

Now, Mr. Speaker, Sir, we have just two Assistant Ministers and one Minister who do not take any notes at all, about what the Members are talking about, as a result of which, Mr. Speaker, I move that this Motion on the adjournment is suspended.

The Deputy Speaker (Dr. De Souza): We are in fact moving the adjournment, but we cannot have a suspension of the adjournment but this is in fact a Motion for adjournment. I see your point about no Ministers being present, but I think we must presume that the other Ministers will read HANSARD. If they do not, then you can probably ensure that they do get their copies of speeches made. Otherwise bring it to their notice. I do not think this arises at the moment. I think that they will get details.

Mr. Anyieni: Mr. Speaker, Sir, I thought that I was going to have a little bit more time, because—

The Deputy Speaker (Dr. De Souza): Had you started?

Mr. Anyieni: No, Mr. Speaker, Sir.

The Deputy Speaker (Dr. De Souza): You can have ten minutes.

Sir, Anyieni: Mr. Speaker, Sir, this is a very short time for anybody to say anything, but I will try. There has been a Motion here which has been withdrawn, demanding a Governmental explanation of the Kisumu meeting. Now the hon. Member who moved this Motion was under the impression that if we brought that Motion to Parliament the majority of Members of this House could disapprove the speeches which were made at Kisumu. Later on when he moved the Motion and he saw a lot of Members opposing him then he became scared and withdrew the Motion. We do not want these things to continue again. I stand here to fully support the Member who spoke at Kisumu, and those Members who

spoke at Kisumu spoke the truth, the true policy of the party. But Mr. Speaker, Sir, what has been difficult is that Government has been unable to verify some of those promises, and it is not the fault of the people who were speaking at Kisumu that the Government has not been able to fulfill the promises which they gave to the people in the country. We would like to say here again that those people who are trying to accumulate a lot of wealth and are going around the country shouting out "communism", "communism", must know that we are not interested in it as yet which will be for the interests of the majority of the people of this country. If that is communism let it up. If that is communism and socialism let it come, but we want something which will be for the interests of the majority of people in this country. However, some people, Sir, are trying to hide themselves. After they have been elected by the masses, they are trying to use their positions to enrich themselves. They have houses, big plots of land, they have all these things and now they do not want to mind about the people. So we say, Mr. Speaker, Sir, that who ever was trying to bring this matter at Kisumu should know that our people have not realized what "Uhuru" means, as many of them have showed to me because they are the lackeys of something.

I would like to come back to another point, Mr. Speaker, Sir. The point is that we now and again demand nationalization of the main means of production in this country. These means of production are in the hands of those who came here to exploit our country in the old days, but it seems as if now what has happened is that some of these people have become excited just because some Africans a few of our leaders have become directors. We also hear that some of their wives are to become directors and as a result we have also in this House some Members of Parliament who will defend these means of production should continue to belong to the people that it belonged to before.

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

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

Why? It is because they themselves have also joined. We say that it is not right for the masses to maintain that the main means of production should be in Government hands so Government can get the money to be able to supply the services which they promised to the people at the time of election. This means here that we are not interested in your small shamba or your small shop, what we are interested in is the main means of production.

[Mr. Gatuguta] debate it or not. Could you rule whether we have the right to continue debating a Motion of this nature, even if the Mover himself is not here?

The Deputy Speaker (Dr. De Souza): I think it has been made quite clear on previous points of order and rulings by the Speaker, that until the Motion has, in fact, been proposed and seconded, it before the House, so even if it is on the Order Paper, unless it has been proposed and seconded it can not be debated. Any Member can withdraw his Motion before it is proposed. No other hon. Members can propose this Motion, but what they can do is give notice of a similar Motion, and the Sessional Committee would then decide if and when it can be brought up for discussion. But, on the other hand, I do not think that the Sessional Committee would normally give precedence to a Motion which has already been brought on the Order Paper, and not been discussed.

Mr. Anylen: On a point of order, Mr. Deputy Speaker, yesterday there was a Motion on adjournment on the Order Paper, and the hon. Mover, who was the hon. Mr. Kaggia, said he was going to withdraw it, but he also gave the circumstances under which he withdrew the Motion. He said that he had agreed with the Ministers that they would solve the problem outside, in which case the whole House was satisfied. Now, could we also be told the circumstances under which this is being withdrawn?

The Deputy Speaker (Dr. De Souza): This is, of course, entirely a question that the hon. Member himself decides. If he does want to give the circumstances, he can do so; but if he does not want to give the circumstances, and wants to stay outside he is entirely entitled to do so. We cannot force the hon. Member to give the circumstances or not to give the circumstances.

Mr. Kaggia: In view of the fact that the Sessional Committee considered this Motion to be very important, is it in order for a Member of the Sessional Committee to move the Motion?

The Deputy Speaker (Dr. De Souza): I made it quite clear that if an hon. Member gives notice of a Motion, he and he only must propose that Motion. It is a Private Member's Motion, and not a Government Motion. A Government Motion can be proposed by anybody in the Government.

Mr. Malsori-Iumbo: On a point of order, Mr. Deputy Speaker, I am asking whether in a case

like this it is not in order to send for the Member to come and give the circumstances of withdrawing his Motion.

The Deputy Speaker (Dr. De Souza): Hon. Members are grown-up people, and they have certain liberties and certain freedom. One of them is to propose a Motion in the House, and nobody else can send for him to propose a Motion or not to propose it. If any hon. Member feels that it is so important, he should give notice of it himself. He cannot or should not tell anybody to do something he does not want to do.

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that the Motion for the Adjournment is due to start at 11.30 a.m., this means that a great part of our Private Member's time has been wasted by this withdrawal of this Motion. So could you assure the House that in future this sort of thing will stop, in other words, bringing the Motion in the House and then withdrawing it, because if it had been withdrawn before it was put on the Order Paper, there would have been another Motion here.

The Deputy Speaker (Dr. De Souza): I cannot give an assurance that Members will not withdraw their Motions. It is for the hon. Members to decide whether they will or will not withdraw their Motions. I do appreciate Members' feelings that they are losing time, but on the other hand, in the Adjournment Motion, it does not necessarily have to be definitely one hour in which to debate it. If it is more than one hour it does not matter, and Members will have more time to speak. It will do no harm, because more hon. Members will have an opportunity to speak on the Motion.

Mr. Anylen: Now that we are supposed to start the Motion for Adjournment at 11.30 a.m. will we continue up to the normal time?

The Deputy Speaker (Dr. De Souza): Yes.

MOTION FOR THE ADJOURNMENT.

ADJOURNMENT OF THE HOUSE: TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY.

The Deputy Speaker (Dr. De Souza): I will now call on the Minister to move that the House do now adjourn.

The Minister for Co-operatives and Marketing (Mr. Ngel): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn until Tuesday, 23rd March 1965.

The Minister for Information, Broadcasting and Tourism (Mr. Achiong-Oneko) seconded.

(Question proposed)

Mr. J. M. Kariuki: Mr. Deputy Speaker, Sir, although I am not personally opposing the adjournment of this House, I feel there are quite a lot of things that we ought to tell this Government of ours. It was only yesterday, Sir, that we were debating a lot of things in connexion with the settlement, and people who are being settled by the Minister for Lands and Settlement; they are now at the point of being evicted, should what was being discussed in this House come about. I would like to inform our Government that there is quite a lot of time which is being wasted by the officers of this Ministry in the field, not by giving the people being settled in the settlement schemes enough time to develop their farms, mainly because the law said that they were supposed to be given a loan by the Government. But it is not given to them in time.

Secondly, Sir, there is quite a lot of unnecessary expenditure on cars being used by the officers in the field, and in the last two weeks I told the Ministry concerned that there were quite a lot of these cars being used by the officers of the Ministry of Transport and from work. Most of these officers do not use their transport on Government work, but to go to bars and nightclubs. I have given examples. Mr. Deputy Speaker, to the area controller concerned. In fact, I have found one or two people in my own district doing the same sort of thing, using the Government vehicles for their own business. We wonder whether a lot of this is being carried out on Sundays. One man, Mr. Deputy Speaker, did so on a Sunday, and he did not give the reasons as to why he was using it on Sunday. Not only that, there is a tendency in that Ministry that it is only the settlement officers, who are Europeans, who can be employed in a new settlement. This is true, because I have seen that wherever an old settlement is, you find so many African settlement officers, but on a new settlement there are only Europeans. Now, this is very serious, and it is something that should be stopped. If our people are going to be subjected to these bankrupt farmers who are taking over jobs in the settlements, this Government will come to this House with another Bill suggesting that the Government is running bankrupt, just because the money is coming from Europe by E.O.A.C., goes back the following morning by E.A.A. We are now giving the facts according to what we see going on in the field. We must also go to the causes and tell them what the Government is deciding. We have agreed to co-operate with the Government in that matter. But, Mr. Deputy Speaker, how can we co-operate with the Government if they do not listen to our complaints. I hope that the Ministry concerned will come up

with good suggestions to the Cabinet now that he has these facts in writing.

Mr. Deputy Speaker, I do not want to dwell on this, but since the Minister is here, I would like him to go into this matter with the Minister concerned and find out whether he has these details and facts given to him by the Member concerned.

The other point, Mr. Deputy Speaker, I would like to point out is that, we would like during this period, the Government to think very seriously in connexion with the security of this country, because as I can see today we are going to get into difficulty if the security of the Members of this House or that of the Ministers is not taken into consideration. With these few words, Mr. Deputy Speaker, I beg to support this Motion.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): In supporting the Motion on Adjournment, Mr. Deputy Speaker, I have a few words to put on record. I am very pleased to hear what the hon. Mr. J. M. Kariuki has said and I would only ask hon. Members that if they have seen a Government vehicle being misused, it is the duty of the Members to report to the Ministry concerned so that an officer doing that kind of thing can be dealt with immediately and disciplined. It is a pity that officers of these Ministries could do this kind of thing. We in the Government know that it is a waste of public funds when vehicles are used in ways which are not permitted by the Government. So, Sir, I would ask hon. Members to help our Government by reporting such cases so that we may deal with them.

Another point is the hon. J. M. Kariuki's complaint about officers he terms as "old bankrupt settlers". It is the policy of our Government and particularly my Ministry, that if an officer appointed on a project, he is not co-operating or not, if it is reported, with the indigenous people with the local people, with the indigenous people of this country, we are prepared to remove this officer immediately, so I would ask hon. Members and any other person outside, that if an officer is found who is not co-operative with the farmers in the field and who was put there by the Government because of his experience to help these farmers, we are prepared to remove him and recruit another officer.

Mr. J. M. Kariuki: Mr. Deputy Speaker, I would like to inform the hon. Assistant Minister for Agriculture that it was already reported that one of the officers in Ol Kalou Salient is not co-operative and nothing has even been done.

The Speaker (Mr. Slade): Well, we have only got rather less than twenty minutes before the Mover has to reply. Well, I would like to point out that if Mr. Nyamweya wants to take his twenty minutes, he must start now. There are only fifteen minutes left anyhow. Are you wanting to second the amendment?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): I would like to second the amendment.

The Speaker (Mr. Slade): I think that Mr. Mwendwa was first in claiming to second this amendment.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I will only speak very briefly on this because my colleague is going to speak on behalf of Government. I stand to support the amendment and I want to clear only one point. The hon. Member—he has gone out—who is the Chairman of the Maize Marketing Board said that Kenya has a political Government. Now, Mr. Speaker, apart from the other countries that are in the eastern half of the world, all the countries that I know, Mr. Speaker, have political governments. Now he referred to Mr. Kenyatta being the head of the Government and said that he too is a politician. Now politicians actually go far, we have got them in the area councils. Mr. Speaker, the members who are running the area councils are politicians, the people who are running the county councils are politicians. But there is a great difference between the formation of a policy and its execution. We people who are sitting here, are the people who form the policy; and then, once the policy has been formed, we have to have people to execute that policy. Now surely if these people who execute our policy are influenced by our presence, there will be no government at all.

I will give a very good illustration, and I want the hon. Members of this House to tell me whether, simply because I am a Minister, it is the right thing, if a policeman wants to arrest my brother, he does not do so simply because he is the brother of a Minister. Is this what the House wants here? I will give the House an instance which happened on Wednesday in Kitui simply because the district commissioner wished to please everybody. I told him that the President was coming to Kitui, and he did not want to annoy the leaders from the south, he does not want to annoy the leaders from the west, he does not want to annoy the leaders from the central division. Who deals with this division, is

Mr. arap Soi: On a point of order, Mr. Speaker, may I know whether the Minister is speaking on the amendment?

The Speaker (Mr. Slade): Yes, he is seconding the amendment. As a matter of order, when as hon. Member in the course of debate moves or seconds an amendment, he is speaking to the main question still, and he can cover anything that is relevant to the main question as well as the amendment.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, what happened is that somebody suggested that all politicians should go out and then a programme should be drawn up. When we came back we were told that the President would stay in the area for two days, simply because they were afraid of every hon. Member. Mr. Speaker, there is a danger and I want to tell the Members in this House, that even we Ministers sometimes have to accept to listen to what a permanent secretary or the executive officers tell us. If there is any hon. Member in this House who says that he is not respected by the district commissioner or the district officer, there must be something wrong with him. There must be something wrong with him because no human beings will respect another human being if he is not given respect. I respect is something which you have to give to others if you expect them to give it to you. It is a two-way traffic.

Therefore, Mr. Speaker, I support the amendment.

The Speaker (Mr. Slade): I will propose the question of the amendment. I think hon. Members heard that Mr. Omolo Agar proposes deleting all words after the start of the Motion, that is after "That, in view of the fact this", and that is after "many civil servants are substituting the tendency to minimize the role of status of elected representatives of the people in this House, this House urges the Government to instruct the civil servants to pay more attention to and treat the representatives with respect, by consulting with them in accordance with their responsibilities and status in the country". The question I have to propose now is simply that the words proposed to be left out, that is all words after "That in view of the fact that", be left out of the question.

(Question of the first part of the amendment that the words to be left out be left out proposed)

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I have listened very carefully to all the facts which have been expressed by the hon. Mover of this Motion and

The Assistant Minister, President's Office

I could say right from the start that there may have been some shortcomings in our civil servants.

But I would like the hon. Members to examine themselves as well. We should examine ourselves and see whether we are always right. If we do that, Mr. Speaker, we will find that there is quite a lot to give and take from both sides. Everybody who is in any country you will not be able to run the Government of that country efficiently unless every person who occupies a certain role in that country is playing his part well. It is very elementary that in any country there is a body of persons who constitute the Legislature and that body of persons in this country consists of the Members of this House and other subsidiary bodies like the provincial council.

Now the role of these persons is very well known, Mr. Speaker. These people, including the hon. Members of this House, know the aspirations, the needs and the desire of their people. It is these people who translate the wishes and the desires of their people into what is known as law and in the way they would like the country to be governed. Now second to that, we have the executive part of the Government. The executive part of any Government consists of all these persons who carry out the wishes of the people as translated by the Legislature. That is what the civil servants are supposed to do. I know some Members do understand, but I find it necessary to clarify this.

Now, Mr. Speaker, it would be highly undesirable for a Legislator—if he really deserves the definition Plato gave to him—to come from his noble role of legislating and assume another function of acting as an executive. The original Motion as it stands, would if accepted, bring a lot of confusion to our Civil Service. We all know that the civil servants are not supposed to take part in politics. If the hon. Members have certain cases they would like to single out where a district commissioner, where a chief, where a sub-chief, has directly or indirectly involved himself in politics, that case would be examined on its own merits.

Mr. Gichoya: Point of information, Mr. Speaker—

The Assistant Minister, President's Office (Mr. Nyamweya): I have very little time, Mr. Speaker, and I do not want to give way. That being the case, Mr. Speaker, I do not see how—as the hon. Mover mentioned in his district or in his constituency—his chief has tried to involve himself in political matters. I would like to be very polite to the hon. Member for Butere because he has raised this matter with the President's Office

before and we were going to go into this matter. It is rather unfortunate that when an hon. Member of this House has placed the complaint with the appropriate Ministry, he should bring it as a subject matter for debate in this House. I note from—

Mr. Shikuku: On a point of order, Mr. Speaker, I am just trying to seek your guidance on this. The hon. Member is quoting me as having put this matter before the highest authorities to be investigated, but when I mentioned this it was unsubstantiated. Was I not in order to be unsubstantiated? When I mentioned the question of the chief here, he asked me to substantiate and I did.

The Speaker (Mr. Slade): Order, order. The Assistant Minister is not really out of order at all. He is regretting, rightly or wrongly, that you have brought up in this House a matter which you had already mentioned to his Ministry and was apparently being investigated by the Ministry. Of course, you did bring it up and by way of substantiation when you referred more specifically to this case, but you brought it up generally yourself in the first instance. Whether that was right or wrong is a matter of opinion for the House, it is not a matter of order.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, if the hon. Member for Butere could just be patient, I noticed that in some of the correspondence we have been having with him, he mentioned that at certain places when he failed to address a meeting, at Marama, which is part of his constituency, he informed the district commissioner that he intended to raise this matter with the highest authority and indeed he has done so, because this is the highest authority. It should be borne in mind, Mr. Speaker, that an hon. Member should not, because of certain personal reasons, convert a matter which is purely personal into a matter of national debate.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Assistant Minister in order to impute that the intention of this Motion is on personal reasons? That I raised this for my own personal reasons?

The Speaker (Mr. Slade): I am not quite clear what the imputation or the objection is at the moment.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, Mr. Shikuku, the hon. Member for Butere, referred to public civil servants taking a part in politics and he referred to one chief of his area as having advised people

[Mr. Ngala]

possible, they should be able to have this idea that Members of Parliament and Senators must be respected. I know that there are some people who will say that civil servants too must be given respect, naturally; in my own home I first demand respect and the children are respected by me, but the children do expect me to respect them first. Therefore, civil servants must respect the Members of Parliament first. If this is done as policy number one I think we shall have got somewhere in trying to solve the problem.

We want assurance, therefore, from the Ministers that this motto of respecting Senators and Members of Parliament will be spread like fire throughout the country among the civil servants.

The second thing is that we must adopt the attitude of building the nation. When we preach this we know that civil servants are a vital part in building the nation. It hurts me very much, having fought for independence so much, seeing that a civil servant is misunderstanding the whole thing and that he thinks that a political Government has just come to give him a job or promotion; this is far from the truth. Therefore I would like to see both the sides want to get on with the nation building and the Tanzania system is the best. It is best because it recognizes the existence of a political Government, a politically run country, and I would finish up by saying that I advise the Government to set up a committee to look into what pattern of Government is feasible for a free Kenya and a political Kenya. Nobody should—

The Speaker (Mr. Slade): You have had your time, Mr. Ngala.

Mr. Ngala: Mr. Speaker, Sir, I support the Motion.

Mr. Agar: Mr. Speaker, Sir, I would like to congratulate the Mover on the Motion. I do not agree entirely with the way in which he starts. It will offend various people in the country, various ideologists, various views, various attitudes, various groups if this Motion is passed it is, The danger I see is that we are going to confuse our civil servants, civil servants who have to carry out certain centralized Government policies and the policies are made by us here. If everybody is going to show him how to effect that policy I think we know what will happen. We would have a different kind of Motion and a different kind of temperament and therefore, Mr. Speaker, I do not agree with the Motion as it stands and I would like to move an amendment.

Mr. Speaker, I want the amendment to read as follows:—

THAT in view of the fact that many civil servants are of late showing a tendency to minimize the role and status of the elected representatives of the people in this House, this House urges the Government to instruct the civil servants to pay more attention to and treat the representatives with respect, by consulting with them in accordance with their responsibilities and status in the country.

The Speaker (Mr. Slade): Order! I would ask hon. Members to hear in silence the precise wording of the amendment which is being proposed, otherwise we will not hear what we are going to talk about for the rest of the debate. Could we have a little more restraint please?

Mr. Agar: If only hon. Members were not afraid—but I think they are afraid—they would listen to why I put this amendment, Mr. Speaker, Sir. I do not want our country to move into chaos and I know many politicians are in the habit of looking for mistakes in the Government civil servants who are working very well are being worried by politicians. The fact is that I am elected to this House to represent the people and to legislate, but if the civil servant who handle Government instructions, Government finance and everything else are to be responsible to us individually, 116 people, 116 commanders in the country, this is humbling impossible. I know that there are many Members here who might not be elected in the common elections and who may then become civil servants. I am sure they would be the first to cry out that the politicians are harassing them.

Why I am moving this amendment, Mr. Speaker, is that it is enough for the Government to instruct civil servants to have regard for Members when Members go to them, either to complain on behalf of the people or to consult them as to how certain activities of the Government can be carried out. I heard one Member of Parliament saying that taxes are not collected properly. Mr. Speaker, Sir, if we are honest with ourselves it is the politicians who have confused the country and who have prevented the people from paying taxes.

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. Member has clearly stated in this House that some of the Members have stopped people from paying these taxes. Could he tell this House which politicians they are. Are the names of the politicians who are doing this kind of thing?

Mr. Agar: Mr. Speaker, Sir, I hear one hon. Member behind me saying that this is very

[Mr. Agar]

serious. I know that one day he had a meeting with chiefs and the district officer, in which he was trying to co-ordinate Government activities in this constituency and the youth wingers came and broke up the meeting and stoned his car; and now he is saying that politicians should not interfere. It was another politician who collected the youth wingers to go and harass him.

The Speaker (Mr. Slade): No, Mr. Agar, that will not do to substantiate your allegation.

Hon. Members, I say again that when we have a point of order you will hear it in silence. If there are any more interruptions, you are going to sit in silence for the rest of this morning.

Mr. Agar: I was coming to the point of substantiating this allegation. The local officials and some Members of the Regional Assembly went about telling people that if they were poor and were not employed, were not earning money by any employment, they were not to pay taxes.

It is only those who were employed, who were among wages or salaries, who would be paying taxes. Another incident, Mr. Speaker, is after the Ministry of Labour—

The Speaker (Mr. Slade): It would be better, Mr. Agar, if you made it quite clear here and say that you were not referring to Members of this House, that you were referring to other, respectable politicians. Is that so?

Mr. Agar: Mr. Speaker, Sir, I used the word "politician". (Inaudible.)

The Speaker (Mr. Slade): You were not referring to Members of this House. Is that right?

Mr. Agar: Mr. Speaker, yes.

Sir, the point I was trying to make is this. It is only human that many of us would like to be friendly—

Mr. Ngala-Abok: Point of order, Mr. Speaker, in order that the hon. Member was in the course of reading his amendment when he was interrupted and you, Sir, ruled that hon. Members should listen, and before he finished reading his amendment he continued to expand on the amended Motion?

The Speaker (Mr. Slade): I did hear him reading his amendment.

Mr. Agar: I did finish it, Mr. Speaker, but I will repeat it later if the hon. Members wish.

The reason why I have moved this amendment is that I wanted the position to be made clear so that the civil servants, who form the permanent machinery of Government, would be protected from being exploited by irresponsible politicians. Mr. Speaker, Sir, I cannot exclude Members of this House for all time from any, or a number, of them becoming irresponsible in the country, because we are only human and it is possible that if we get too much power from the Government or too much obligation put on the civil servants to respect politicians, then the Government will be weakened by conflicts and by contradicting statements.

Mr. Speaker, Sir, only of late we have had people putting forward their respective theories on African socialism. Each politician has got his theory. Each politician has got his version of communism and so on. Now, Sir, we cannot go as far as saying that the members of the Civil Service, of all shades, should be responsible to Members of Parliament.

Of course, Mr. Speaker, Sir, I am not denying the desirability, I am not rejecting the desirability of civil servants giving Members due respect, listening to them attentively, informing them of what is taking place, and consulting them about their activities and about the difficulties which arise in their day-to-day life, so that Members of Parliament who are representing the people can popularize Government policies, Government activities and Government desires to be fulfilled in the country. We know that a civil servant is a person under rigid rule and that he can only put things into language that people can follow; it is a politician who comes in and helps.

Mr. Speaker, Sir, Members have suggested that I should read my amendment again and I hope that when Members hear it again they will come to realize that we cannot confuse the foundations of our Government by making civil servants responsible to small commanders, all kinds of people. It is:

THAT in view of the fact that many civil servants are of late showing a tendency to minimize the role and status of the elected representatives of the people in this House, this House urges the Government to instruct the civil servants to pay more attention to and treat the representatives with respect, by consulting with them in accordance with their responsibilities and status in the country.

The Speaker (Mr. Slade): Who is replying for the Government?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): I would like to speak on this amendment, Sir.

[The Minister for Co-operatives and Marketing] the Members, the Member for— I have been told by the district commissioner at Meru, when I went down there to address a public meeting that a Member of the area went and asked— Mr. Speaker, it has been alleged that it was the Senator of the district and also another Member, Mr. Gacaita, who went to the district commissioner's office and called someone and told him that the district commissioner wanted to get in. I can go further, if the Members would like. I can give them the report in the meeting and then they can challenge it.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, would the Minister substantiate further because when you go to an office of a district commissioner and you are a responsible person, you are to send someone to inform him that you would like to see him. This is a normal procedure.

The Speaker (Mr. Slade): No, Mr. Ngala-Abok, that is mere argument. What we are dealing with is substantiation. Now, Mr. Ngei has been explaining why he has alleged what he has alleged. I think, Mr. Ngei, before continuing I must ask hon. Members on both sides to be more careful with their allegations. They do not strengthen their case at all by making allegations which are unnecessary, or which in the final results are not quite as strong as they would appear at first sight. I do recommend that hon. Members use a little restraint in what they say.

The Minister for Co-operatives and Marketing (Mr. Ngei): Thank you very much, Mr. Speaker, Sir, what I was trying to say to conclude when I was putting that argument about the question of seeing the civil servants, and so on, was a procedure where a Member is well versed with having an appointment to go and see the respective people and that is what I was driving at. Now civil servants, Mr. Speaker, Sir, is a disciplined body governed by a code of behaviour with a certain line of command.

Now, Mr. Speaker, Sir, the Motion suggests a system whereby the civil servants in any given constituency will be responsible to elect representatives in that particular constituency. You see, this Motion, if I may say so, is not well framed and the Government cannot accept it. The Civil Service is entrusted with the responsibility from the proper inclusion of the Government policy and it derives its authority from the Government. The Civil Service must be completely insulated from political influence, and if you have a civil servant, a district officer, who is responsible to an elected representative who is a politician; how

in the world can he say that that particular civil servant is insulated from political influence? Mr. Speaker, Sir, the civil servants must implement the Government policies with tact and civility. This is at the crux of the whole matter and even if the Government was to accept this Motion what does it amount to, Mr. Speaker? It amounts to amendment of the Constitution because page 135, subsection 188, lays down that if there is going to be any change of the Civil Service it amounts to a constitution.

Mr. Speaker, Sir, suggestions have been made that we should follow the Tanganyika pattern. That amounts again to amendment of the Constitution. Mr. Speaker, Sir, I have never known anywhere in the world, a constitution where civil servants are responsible for a political elected Member—

Mr. Anyleni: On a point of information, Mr. Speaker, Sir, I would like to inform the hon. Minister that just next door here, in Tanganyika, they have appointed area commissioners and they have also an equivalent of district commissioners who are politicians and who are in charge of districts and who are directly responsible to Government.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I am well informed about the Tanzania Constitution and for your information, if you do not know, since Tanzania has been formed the Constitution has been under amendment, and even the area commissioner, Mr. Speaker, Sir, as such in the Tanzania Constitution is equivalent to a provincial commissioner in Kenya, but he is not a man who is an elected politician.

The Speaker (Mr. Slade): Your time is up, but I will give you another two minutes because of interruptions.

The Minister for Co-operatives and Marketing (Mr. Ngei): Thank you very much, Mr. Speaker, Sir, but the hon. Members are making interruptions because they know my argument is valid.

Mr. Speaker, Sir, when a politician in Tanzania Government is appointed as a commissioner he gives up all his political influence and becomes a civil servant of the Tanzania Government. He is only put there, some have been Members of Parliament and they have been seconded as civil servants in charge of a region, and therefore the question of saying that these are political appointees in the area, political office is false, and not according to Tanzania Constitution at all.

Therefore, Mr. Speaker, I stand to say that I oppose the Motion and as it is, it cannot be accepted.

The Speaker (Mr. Slade): Before inviting other hon. Members to speak, I would point out that hon. Members are extremely noisy this morning and therefore the speakers can hardly be heard at all. We cannot let that continue. I do not want to reach the point where I insist on complete silence, because sensible interjections help us, but I shall have to do that if the noise does not get less.

Mr. Ngala: Mr. Speaker, Sir, I did not intend to speak at all in this debate—

The Speaker (Mr. Slade): Order! Order! Please listen to what I have just said.

Mr. Ngala: The gross ignorance of the hon. Minister who has just sat down has promoted me to stand and speak.

Mr. Speaker, Sir, the hon. Minister has just said that in a political Government he does not know any political Government in the world where civil servants are responsible to a politician. This is number one ignorance. I am really surprised that this hon. friend of mine is so ignorant, probably because he is so new to the Cabinet. Mr. Speaker, Sir, the Civil Service—we are told by this Government—and the whole of the Civil Service system is today under the President, under the hon. Jomo Kenyatta. This is a fact which the Minister and nobody in this country or this House can deny. Is His Excellency the President not a politician? Are the civil servants not responsible to him? Now to say that this is not the pattern in Kenya is a complete distortion of the truth. We have moved this Motion with a very sincere intention of finding out what is wrong and if possible we will put it right, but when Ministers get up to tell what they know is completely untrue then it even reduces the structure of the person concerned.

Mr. Speaker, Sir: I would like the Government to deny this when the Minister, who is responsible for this, says definitely that the Civil Service pattern here is not responsible to the President. I want the Minister who is going to reply to make this quite clear because this is the impression I have, and this is what I was given to understand. The Director of Personnel, for example, in Kenya knows very clearly that he is responsible to the President, who is a politician. He is not a civil servant he is a politician, and in all the political Governments in the world the civil servants are responsible to politicians that is why there are Ministers. Are you denying your responsibilities to Ministers? This is the wrong attitude. Now we are again, Sir, told that the Africanization system is responsible to the Vice-President, the hon. Mr. Odinga. Is the hon. Mr. Odinga not a politician?

Now to stand here and say that we are talking to schoolchildren who do not understand things, is a shame. Mr. Speaker, Sir, I think I have made it quite clear that the hon. His Excellency the President is a politician and the Civil Service is responsible to him. Also the hon. Mr. Odinga is a politician and the Africanization, a part of the Civil Service is responsible to him. Therefore it is false, untrue, to say that civil servants are never under a politician. This system is here in Kenya, it is also in many parts of the world. I now hope that my hon. friend does realize what the pattern is.

Mr. Speaker, Sir, I think we have two problems. The first one here is the question of a relationship between the civil servants and the elected representatives. This is a problem which this Motion has posed to us. This is a problem to which we should seek a reply. The second problem we pose here is a question of how we can run a political Government. Now I must say that Kenya has a political Government by virtue of being independent and free. We are running a political Government and although a few civil servants understand their place and have a favourable attitude towards Members of Parliament, a few civil servants, and we must give credit to some civil servants, these few that have this attitude and the understanding that it is a political Government. Therefore, they respect the elected representatives, but there is a majority of the civil servants who are self-centred, selfish and hopelessly proud. Now, I must emphasize that it is the majority, there is a good element of good material but the majority do not even understand that we are running a political Government. Therefore, these Ministers and the Government of discussing this Motion with these two ideas in mind. How are we going to run a political Government?

* There have been experiments in the world. Germany has tried to see how they would devise a (Inaudible.) to run a political Government, Japan has also tried, even local governments are always trying experiments. In Kenya we have never tried to put forward a scheme under which we could run a political Government and this is the cause of the trouble. I feel, Mr. Speaker, that first we must realize one big thing; a big thing which is the responsibility of everybody is that a Member of Parliament in his own country, or a Senator, must be given real responsibility. Now, this is policy number one which must be taught to the civil servants. The Ministers, too, must put this across to the civil servants. The Lumumba Institute must take in as many civil servants as

[Mr. Shikuku]

Mr. Speaker, there are people who have complained about this and have come to me. I have also heard it said that even the youths have gone and beaten up people and even killed others and they have been told they have done a good job. That was in my constituency on the 18th of February. I have the facts and I can quote from that.

The Speaker (Mr. Slade): That again has nothing to do with this Motion.

Mr. Shikuku: The hon. Member wanted substantiation.

The Speaker (Mr. Slade): That has nothing to do with the Motion, and your substantiation must be relevant to the subject of the Motion, as indeed was your allegation.

Mr. Shikuku: I want to give another example of the civil servants in my own area who are actually trying to get into the political field and as a result instead of dealing with the *Hararibee* school there was an incident between the local politicians and the chief. As a result that school is not getting along very well.

I am asking the Ministry concerned to urge the civil servants to keep out of politics 100 per cent and leave everything to us.

Sir, I feel I must give an opportunity other Members who are also greatly touched with this present change of attitude by the civil servants.

With these remarks, Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): Before I allow any other hon. Member to speak, I must point out that when we have Motions speeches must be relevant to the Motion and nothing else, particularly when they are aggressive Motions, involving allegations against people or services.

Now, this Motion deals with the attitude of civil servants towards Elected Members and the relations between them, and hon. Members will confine themselves strictly to this subject.

Mr. Makokha: Mr. Speaker, Sir, in seconding this Motion I want to use very few words but to the point.

There is no doubt that the people of this country trust politicians more than they trust the civil servants and the reason why they trust politicians is mainly because they struggled for independence. It was the politicians who struggled for independence and Africanization and, therefore, our people will do nothing unless politicians are included.

Looking at my own district, I know that nothing can move, no taxes can be collected effectively, no self-help projects can be started, without us politicians taking part. Therefore, Sir, I believe the first priority must be given to the politicians in any area.

Mr. Speaker, Sir, I remember in my own district, just to give an example, when we started Graduated Personal Tax last year, the politicians worked with the district commissioner, and the county council officials, and things went very smoothly. This district, in fact, did better than any other district in the Western Province, but immediately we were left out, we almost had a war in the district and at last the clerk to the county council has resigned, complaining that the politicians were behind his resignation. The fact was that he forgot that we were the leaders there, and he wanted to do everything for himself, and the people went on strike.

Another point, Mr. Speaker, is that the civil servants nowadays have forgotten that they are obedient servants of the people, and we, being the elected leaders of these people, must come first.

Hon. Members: Hear, hear.

Mr. Makokha: Mr. Speaker, Sir, personally, I believe the trouble started here in Nairobi, with the permanent secretaries who are the most senior civil servants, going down to the district assistant.

Mr. Speaker, Sir, not all the permanent secretaries, but some, are really big headed. You go into the office here in Nairobi to try to see one, and he will tell you to see the personal secretary. Later on when you find out what he was doing, he was doing practically nothing. Now, as a result of this big-headedness of the civil servants, the Civil Service has deteriorated very much, firstly as far as punctuality is concerned. When the *Mzungus* were here, Mr. Speaker, Sir, people were punctual in their offices, and when the district commissioner said he was going to come to a *baraza* at 9 o'clock, he came then, but now, if they say they will come at 9 o'clock, they just leave the people sitting in the sun until about midday. This is because they think they are so important. Mr. Speaker, I can prove I have seen a co-operative officer in my area who tells people he will come at such-and-such a time, and not only does he not even come late, but he fails to come altogether. Now, Mr. Speaker, how can we have such civil servants?

Mr. Speaker, Sir, something else that has happened is carelessness. I can give—

The Speaker (Mr. Slade): This Motion is not an opportunity for a general attack on all the shortcomings of the Civil Service. It is a Motion

Notice—

[The Speaker]

dealing with the relationship of civil servants and Elected Members of this House. It is confined to an argument on that.

Mr. Makokha: Thank you, Mr. Speaker, I was just trying to show that as a result of the civil servants forgetting their positions, the whole thing is getting worse.

Mr. Speaker, Sir, I therefore, have several suggestions to make. First of all, beginning at the chief level, we should adopt the Tanzania system, where they have at every level a politician who is the head of the civil servants in that area. For example, Mr. Speaker, Sir, you have the area commissioner who is a politician, and an executive officer who is a civil servant, and nothing will happen in that area without the permission of the area commissioner who is a politician.

Now, Mr. Speaker, Sir, I believe that this is a good system and it would work very well in this country as well, because if we leave the politicians out, Mr. Speaker, we are going to get into trouble, because, as I said when I opened my speech, the people accept it that way, they accept that politicians will have the first priority.

Mr. Speaker, Sir, I again compare Nairobi and the lowest area like a district. Now there is no doubt that the hon. Jomo Kenyatta is the head of the Government, and there is no doubt that the President, the hon. Jomo Kenyatta is a politician. He is the head of the State, he is the head of everything in this country and he is a politician at the same time. Therefore, Mr. Speaker, I do not see why we should not have the same thing at all the levels. So, Mr. Speaker, Sir rather than Ministers thinking that we are probably trying to undermine anybody, we are really trying to put forward a very reasonable Motion, a very reasonable state of affairs which will help this country. Thank you very much Mr. Speaker.

(Question proposed)

The Minister for Co-operatives and Marketing (Mr. Ngei): Thank you Mr. Speaker. I have listened very carefully to the Mover of this Motion and the only difference that exists is that I was keeping very quiet to listen to his arguments and as soon as I stood to speak, Mr. Speaker, the Members began moving about. I would like the Members also to listen to the Government's side. We listen very carefully and I do not think it really helps, Mr. Speaker, if a Minister or my hon. Member of the Parliament starts to speak and then we start shouting and heckling. It does not help at all.

I would like to say, on the question of the civil servants, Mr. Speaker, before, I come to

the Motion itself and the consequences which would follow if the Government was to set up this Motion, that what has been said to the civil servants can be equally said to a few hon. Members for the few instances which we have heard about. We have heard that even some Members of Parliament, when they go to a district commissioner's office, have to announce their presence, by saying that outside we have the hon. So-and-so and then they send a messenger inside who may perhaps be a youth supporting the particular Member, trying to—

Mr. Gichoya: On a point of order. The hon. Minister has alleged that some of the hon. Members do go to the district commissioner's office with a youth to announce that the hon. So-and-so has come. Now, we would like to know the names of these Members the district commissioner and the youth concerned. In other words we would like the Minister to substantiate his allegation.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, what I said was this: I said that what the Members alleged that the civil servants do, can be equally said of some of the hon. Members, and I said that some of the hon. Members— If you really understand the shades and lights of the English language you know that this information is coming from somewhere else and not from me, when I said—

The Speaker (Mr. Slade): I have made it clear, by previous Communications from the Chair, that Members cannot escape their obligations to substantiate merely by referring to rumours. They may not allege things by way of rumour or hearsay unless there is some evidence upon which the allegation rests. It is too easy otherwise.

The Minister for Co-operatives and Marketing (Mr. Ngei): If I am allowed to give the evidence, I am very prepared to give the evidence, as to the place where it is alleged that one Member sent an usher to a district commissioner and announced that the hon. So-and-so is outside, and would he let him in.

An hon. Member: We want to know who it is.

The Speaker (Mr. Slade): The hon. Members want to know to whom you are referring.

The Minister for Co-operatives and Marketing (Mr. Ngei): Well, has been done in Meru. I do not want to give the hon. Member's name.

The Speaker (Mr. Slade): You must give us his name, or withdraw your allegation.

The Minister for Co-operatives and Marketing (Mr. Ngei): Well, I have been told that one of

[Mr. Shikuku] the attitude of the civil servants towards the elected representatives of the people in this House.

When you go to the district commissioner's office you go there but you do not have to show that you are a very big man. The district commissioner asks someone to come and find out what you want, then when this man comes, sometimes a tribal policeman, Mr. Speaker, Sir, or an office boy, he asks you who you are. I tell him that I am Shikuku, Member for Butere. Then he goes back and reports to the district commissioner that Mr. So-and-so, hon. Member for such-and-such an area is outside. Then he sends him back again and asks him what does he want; then the boy comes back to you and says, "Dwana nasenia, tuku niini?" Mr. Speaker, Sir, this is the way we are going to live. I as a representative of the people to speak to office boy, to tell him why I want to see the district commissioner. Then he goes back there, he returns; it is completely ridiculous. This must be stopped immediately, Mr. Speaker, Sir, is a shameful thing. I do not know where they have assumed this air of importance. One thing I know, Mr. Speaker, Sir, is that the civil servants are paid from the taxes, paid by the people who elected us to this House.

Mr. Speaker, Sir, I am on contract for five years and so are hon. Members in this House. This contract of five years ends in 1968, but Mr. Speaker, Sir, though we have little money in terms of salary we should be respected because we were elected to this House and the district commissioner or the district officer were never elected, they were appointed and they are taking my poll tax.

Mr. Speaker, Sir, you will find some of the civil servants now have the guts to say, "I, as the leader of the district," I quote, Mr. Speaker, Sir, as spoken by one of the district commissioners of Kakamega, who stood up at a meeting, and I think the Members in that area will bear me out. Apparently he stood and said, "I am the leader of this district." Since when was this district commissioner elected, who elected him to be the leader, if he is the leader then what are the Members in the Kakamega District doing now? You are now servants, yes you are right, because he is the leader. This is one of the points that I can never stomach.

We must get a categorical reply from the Government as to whether they have reversed the policy and now we must look upon the civil servants as the leaders and we are the followers of the civil servants. There is also a tendency on the part of the Kenya Press every now and then, when a meeting is held in a constituency

it is not reported, but when the district commissioner holds a meeting it is given wide publicity. This is one of the things, Mr. Speaker, Sir, which is undermining the integrity of the representatives of the people, because the people are looking forward to hearing the man they elected. These days when you hear a district commissioner speaking it is reported. At any time from seven o'clock, nine o'clock, twelve o'clock to two o'clock, and seven o'clock. Mr. Speaker, Sir, if this is the policy of those in the Government, and I hope that it is not, that the district commissioners are now going to talk politics because as have one party, then I think that should also be made known to us here today. Or else we want to know who the boss is. Is he the district commissioner or the elected representative? Mr. Speaker, if I may come back to one of the points which I feel is very, very important. In my area something happened which was very improbable. When I was out, a system—and I have checked with the highest authorities and they say it is not true—was introduced by these very civil servants. The chiefs employed youths to help them in their work, youths who had no uniform, youths who had no training for arresting people, youths who had no experience in searching anybody, youths who had no power at all and youths, most of whom were thieves.

Mr. Speaker, I am a politician and I know what the youths have done, but the Government promised the people that they would give them jobs. We went round telling the people that they must register themselves as job-seekers. They registered, but there are no jobs. These young men have no jobs, and the chiefs are now exploiting them. I specifically speak of the chief in my own constituency, of whom I know only too well. He employs these youths, and the funny part of it, Mr. Speaker, is that these youths go round searching people and pretend they have been sent by the chief or the subchief and go to old people's houses. They pretend they are looking for Nubian gin and when they find it, they drink it, instead of salvaging, they drink it. After drinking it, they search the house and if they find Sh. 10 they take it.

The Assistant Minister, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, this is a very serious allegation about public officers.

The Speaker (Mr. Slade): Order, order. There must be silence on a point of order.

The Assistant Minister, President's Office (Mr. Nyamweya): It may be happening, Mr. Speaker, but this is a very serious allegation against the

[The Assistant Minister, President's Office]

public officers. Could the hon. Member for Butere substantiate or give a single incident where a public officer who has been entrusted with the job of finding Nubian gin has drunk the gin and emptied the bottle?

Mr. Shikuku: Mr. Speaker, I am ready to substantiate beyond any point. I did not say the civil servants drank Nubian gin. He must have been confused, but I said these youths who are employed by the chiefs, go round searching for gin and when they find it, they drink it. I can give you an example. In Shikunga Sub-constituency, Mr. Speaker, in Shikunga Sub-constituency of Marano, there was an incident where a woman was arrested for brewing Nubian gin. They drank her gin and then afterwards they arrested her, after searching the house, and found four pieces of meat in her pot.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, on a point of order, I would like to know whether the hon. Member is referring to civil servants because from what he is saying now, it appears that these were young people, are not civil servants or the agents of the civil servant chiefs.

The Speaker (Mr. Slade): Let us get this clear, Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, I would like to make it very clear. I was talking and am talking about the civil servants, and what they do. This is one thing they did in my area, and I am specifically not talking of Butere Constituency as a whole but Marano Location which is a part of Butere Constituency. Youths were employed by the chief and these youths harassed the people. They went around searching houses and they took this gin and drank it. This is one of the things I am talking about. I was asked to substantiate.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): On a point of order, do I understand him to say that these youths are civil servants, because the fact that they are employed by the chiefs actually means that they are civil servants?

The Speaker (Mr. Slade): Mr. Shikuku is explaining exactly what he means; but I think it would be better if he could give us a case.

Mr. Shikuku: I am giving you a specific case, Mr. Speaker, in Shikunga Sublocation in Marano Location.

The Speaker (Mr. Slade): The date?

Mr. Shikuku: The date was in January, Mr. Speaker, 26th January while I was still outside. I went and investigated it. This woman who was arrested with her four pieces of meat in Marano, was taken to the nearest police station and was locked up there because they alleged that there was a certain cow which had been stolen and they said that the meat they found in her pot was the meat of that cow.

The Speaker (Mr. Slade): No, this has nothing to do with your Motion, I am afraid.

Mr. Shikuku: He said to substantiate it.

The Speaker (Mr. Slade): I know, but you started it, and having substantiated as far as you could, I should get on with something relevant to the Motion now.

Mr. Shikuku: Thank you, Sir. If I may go on, Mr. Speaker, these civil servants are more or less trying to assume an air of importance over the elected representatives. I have even heard of someone talking in terms of "We are now the people, and you are not going to listen to any noisy politicians." This will be very sad because if we play about we shall be locked up.

Mr. Speaker, I have no quarrel with the civil servants but I want to know from the Government that the civil servants will remain civil servants; they will have nothing to do with politics, leave the planning of the area, the policy of any constituency to the elected representatives who know the needs of the people, and who will tell the district commissioners that they are only civil servants in the field and that they will only carry out their work and not act as leaders of the people. We are here to do that job.

The other thing, Sir, is that I would like an assurance from the Ministry whether they have given the power to the civil servants to go and talk politics in their *barazas*. I know the chiefs, instead of calling the people together to teach them, they tell them to project themselves as party men. As a result in Butere, in Marano, and other places none of the people, so far, have paid tax.

The Assistant Minister, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, I do not want to interfere, but I think it would help the debate if the hon. Member for Butere would also give examples where public officers have engaged themselves in party enrolment.

Mr. Shikuku: Mr. Speaker, I can substantiate that this happened at Butere, in Marano Location, and the Chief of Marama, is the man—I do not have to go further into this.

[Mr. Waribih] the question of the material, the books, to be stocked in these libraries. I would like the Minister to let us know, when he replies, which policy he is going to adopt. We have seen in the past some agencies or some governments making gifts of books to some schools or some libraries or some organizations. I think it would be far better for this board to have the powers to select the type of books which should be put into this libraries; and if a particular agency or government is keen about donating some books or some kind of assistance, it should be in the form of money, so that the board will select the type of books it is going to buy. I have seen, as I said earlier, some presents of books, and these books are bought by the donating party or whoever it may be, and they select the type of book they want to give. I think it is dangerous to allow another country or another organization to select the type of books which are suitable for reading by the people in another country. I am not suggesting that those countries do not have good reading material but it is for our board, I think, to have the power of decision as to what type of books should be put in these libraries.

The other point I would like to suggest to the Minister is that under section 4 the Bill provides that this board will establish libraries, shall we say, all over the country, and in so doing I think it is also important not to forget the other aspect, whereby, in addition to facilities for reading you need facilities for discussions.

When you put up a library, you require to set up a big hall where people from the area or from the vicinity who want to read could come in the evenings for any organized period or time and then they could discuss, maybe, the best ways of reading, they could be given lectures on how to read, they could have literary discussions; and also these halls could be utilized for social purposes. I believe as has been said by some other Members, that our people have not yet got into the habit of reading and I think it is in such

places or such halls that this aspect could be developed.

The other question, Mr. Speaker, is that we have a number of schools which are springing up all over the country in the new spirit of *Harambee*; we have a number of *Harambee* secondary schools; and when one visits these secondary schools one finds that because of lack of funds most of them have no libraries. Some of us who have been through some of the best institutions in Kenya know very well that the reading facilities which are available in some of these schools are very useful for the development of the mind. I would like to know from the hon. Minister whether, in this promotion and planning which is given under this Bill, they have got a programme whereby some of these schools which are handicapped through financial difficulties in equipping themselves with good libraries could be assisted by the board in any way whatsoever.

Now, to go further, Mr. Speaker, I would like also to emphasize the importance of making the material which has got to be read by our people relevant to what is happening in our country. I am not talking of academic subjects; even if it is a story-book, written for the purpose of enjoyment, if it has got some local scenes and local descriptions, people would easily understand what the writer is talking about. Here I would suggest under section 6 the board has got the power to invest its moneys which are not required, and probably the board may consider investing in encouraging writing by African writers which will have local colour and local implications.

With these few words, Mr. Speaker, I beg to support.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until tomorrow, Friday, 5th March, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

Friday, 5th March 1965

The House met at Nine o'clock.

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

PRAYERS

NOTICE OF MOTION

Mr. Ngala: Mr. Speaker, Sir, the Minister was bringing to my attention the fact that I should give notice of Motion, but by that time the Clerk had already read the next Order, so could you please let me give notice of Motion?

The Speaker (Mr. Slade): I am sorry we cannot do that, when we have already moved on to another Order.

MOTION

CIVIL SERVANTS TO BE UNDER ELECTED MEMBERS

Mr. Shikuku: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the fact that there is now a tendency by some of the civil servants looking down upon the Elected Representatives of the people in this House and also taking part in the Kenya politics, this House calls upon the Government to introduce a system whereby the civil servants in any given constituency will be responsible to the elected representatives in that particular constituency to ensure smooth running of the area.

Mr. Speaker, Sir, I do not want anybody, or the Government, to have the feeling that I have other ulterior motives behind this Motion, which is as plain as Sunday school.

Mr. Speaker, Sir, the reason why I brought this Motion here is that I am conscious of the fact that the elected representatives of this House are responsible people, people who were elected to this Parliament by the masses and who are supposed to be representing the people in this House and outside this House; hence, any interference by anybody will be resisted very much. While I am completely conscious of the fact that the civil servants as such are very important people and, as a matter of fact, they are the backbone of the Government, may I point out that the civil servants are the people who are actually supposed to carry out what this House, which is made up of elected representatives, decide and they are only there to carry out the wishes of the people in this House throughout the whole country, and not what they think. Politicians, of course, are not experts, but they decide the policy and those in the Civil Service who are experts in various fields can come and

implement according to the wishes of us here. But, Mr. Speaker, if I may recall, I am very surprised to find that the attitude of the Civil Service now is completely changed and I think during the course of this Motion we might be able to learn the reason why their attitude has changed; probably it might be due to the fact that the big bosses, who are the Ministers, and who are their immediate bosses probably might have asked them to change their attitude because I remember, Mr. Speaker, when we were fighting for the independence of this country, some of us had a very hard time. During those days, Sir, if you held a small committee, what used to happen was this: you were trying to fight for independence by holding this small committee and some of the very civil servants, who are now the big bosses due to our shouting for them to be where they now are, were reporting us to the imperialists. They were, as a matter of fact, when you were holding a meeting running to the district commissioner or to the district officer and telling him "Look, *bwana mkubwa, nimi na kwista ona Shikuku na kaa kuli na wata kumi, he hewa na fanya nini?*", he asked "What was he doing?", he said "Oh! *ye likawa na tema Wazungu lazima na kwenda*", he is saying that Shikuku is presiding over a small committee and planning that the Europeans must leave this country, and, as such, most of us were prosecuted. Of course, they (Inaudible) living there, but I do not want to say, Sir, that we are bound to go back to the past, but I am only pointing out how difficult it was for us to fight for this independence, being hated by some of those civil servants who are now in higher posts, and then, when we eventually won our independence the very people again are on our side now. They say "You see, these big Europeans are still sitting on us, do please Africanize one higher post." Then we started again, Africanization, Africanization, Africanization. We went on dealing until now there are provincial commissioners, district commissioners, district officers, commanders and all the rest of it, and what do we get in return, Mr. Speaker? The civil servants have no respect whatsoever, some of them have no respect, for us. This is because they earn more than we do, Sir. I do not mean that they must earn as much as the civil servants but psychologically the provincial commissioners, the district officers, even the district assistants, because they earn more than a Member of Parliament, just forget, they do not care whether you are there or not, but they even tell a tribal policeman to keep you outside the office.

Mr. Speaker, Sir, having fought for independence during those critical times I heartily resent

[The Assistant Minister for Home Affairs] value to the readers; whether they are books which are difficult, whether they are books which would enlighten the people so that they may think for themselves or not. But I would urge that the board should look into the kind of material that is likely to be useful, suitable for all ages and abilities. In this regard, Mr. Speaker, I would also add, as a final point, that the librarians being trained in the University College for East Africa at Makerere should be available at specified centres throughout the country to encourage the readers. We should not strictly stick to those centres without trying to find out from the readers what their difficulties are, to undertake a type of research, and then pass on these difficulties and experiences to the central body, which is this board, so that the services provided by this board can be improved.

With these few remarks, Mr. Speaker, Sir, I would like to support the Bill.

Mr. Omar: Mr. Speaker, Sir, I also rise to support this Bill because I feel that it is one of the most important Bills that has come into this House. What I would like to say, Mr. Speaker, is that we must have a starting point so that this Bill may become useful to our people in this country, and my suggestion is that the board should first concentrate on establishing the libraries in the primary schools and in the intermediate schools. Also, if this is possible, to establish a library, wherever there is a chief's office. Once we do that we will be training and encouraging our young men to make use of libraries and, therefore, the money which will be spent on this board will be serving all our people in the country. Unless we do that, Mr. Speaker, Sir, I think the board will be wasting the money as it is now realized that the majority of the educated people do not make use of the libraries. It is because they were not given enough education on using the libraries. Now, if we start with the boys and girls in primary and intermediate schools; they will be starting their education by using the libraries and will continue doing so even after they leave school.

Now I would like to say something about clause 4, Mr. Speaker. Where another Member has already said something about the functions of the board, it shall be to promote, establish, manage, maintain and develop libraries in Kenya. Now, in the Coast Province, particularly Mombasa District, there are some religious libraries where you find only religious books. There are no general education books and I think the Minister should take this into account so that at the time when they want to promote they put more

religious books into these religious libraries so that those people who are very keen on religion could also get some books to read and increase their religious knowledge.

Another thing, Mr. Speaker, Sir, here is about clause 4 (2), where it is stated that "the board shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be necessary, desirable, advantageous or convenient for, or in connexion with, the carrying out of its functions, or to be incidental or conducive to their proper discharge; and may carry on any activities in that behalf either alone or in association with another person or body, including the Government or a local authority."

Now here, Mr. Speaker, I am more concerned about the last part which says, "carry on any activities in that behalf either alone or in association with any other person". Now where it says, "in that behalf, either alone . . .", my point is that in Mombasa District there are some libraries which at the moment are privately owned and they are run by some associations or by some individuals. If this Board is going to carry on any activities in that behalf alone, I think it will not be fair. My suggestion is that this board should always discuss, whenever they want to promote the services of any library, they should always co-operate with the present individual owners or the associations which own these libraries, and not to be taken over by the board. If it is necessary that the board must take over the library, it should see to it that fair compensation is paid to the present individual owners or to a group of persons owning such a library.

Another point which I would like to make, Mr. Speaker, is about the composition of the board. It is stated that a representative will come from each province. My suggestion is that only Members of Parliament from each province would be appointed as members of this board, so that such members can express the running of libraries in his province, not to take a man who is not in the political field because he might not be acquainted with what is going on in his province.

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

The Assistant Minister for Finance (Mr. Odoongo): Mr. Speaker, Sir, I only rise to emphasize a few points which have been made by the hon. Members who have spoken before me. The first one is this question of encouraging writers. This is going to be a very important thing for our country since we do not have many books written by the people of this country. What the library is going to be very useful in encouraging people to read, this would not be very useful

[The Assistant Minister for Finance] if there were no books to be read, or if the books to be read came solely from outside. So it is very important that the Board, while encouraging people to read, should take it as a matter of great importance, this question of encouraging the people of this country to write.

It seems to me that there are areas which could be encouraged, especially among the teachers both in the schools and in our colleges. It seems to me that this is a place where the Ministry really should make a definite plan and should have really concrete ways and means of encouraging people to write. People should be induced either by payment or by giving them holidays, these teachers, to enable them to have time to write, so that we can produce material that is local and that is relevant to the situations in our country. This would be very useful indeed for our people and it would be something that we could leave behind for the future generation.

I would like to emphasize, Mr. Speaker, Sir, that this part also should be taken very seriously by the board when it is constituted.

Another aspect is the membership of the board. Hon. Members have made various suggestions and it is important that the members of the board are qualified and have the necessary knowledge and understanding of the job they are engaged in. Since this Bill leaves out a lot of policy matters with regard to the type of material that should be read and encouraged, and also my colleague here, Mr. Agar, has pointed out that you have conflicting materials in the world today, the Bill itself will not prove to be useful on this point. It has been said that reading makes man but it is reading with a purpose and system to guide it. If one sits and reads anything that comes within one's notice, and consumes or tries to absorb and the next bit of reading matter and the next bit, one will reach a stage where one is thoroughly confused, not knowing what to believe, who is right and so on. So this is going to be important for our education and for our country, that our library system must have an educational system along with it whereby the reading habits of the public are— I should not say controlled but guided; I do not think we should be afraid of the word "guide" because it is a fact that when one is going to learn, one has to be guided. As I have pointed out, Mr. Speaker, Sir, that if one were left free in the wilderness of books coming from all parts of the world—to be read it is likely to leave one completely confused. Therefore, our library system should take this as one of the

most important things and should lay down certain policies and certain methods of working, so as to enable the people to benefit from the system.

Now I notice, Mr. Speaker, Sir, here that in pointing out the members of the board various Ministries have been included here. The Ministry of Information, however, is missing. It seems to me that the Ministry of Information is one of the important Ministries because perhaps at some time we will want to open libraries outside Kenya or outside the continent, and it seems that in many countries the practice is to use the Ministry of Information for informing people outside our country of the books we have, the type of cultural life we enjoy in the country. So, Sir, I would suggest that my friend from the Ministry of Education considers the possibility of including the Ministry of Information as one of the Ministries that should be included on this board.

Hon. Members have made reference to the British Council and my hon. friend, Mr. Agar, said he was not very sure whether it should be included. I feel definitely that this thing to be a wrong thing to include the British Council here on the board, which is a Kenya board, a national board supported by our Government. Having the British Council representative on it, which is not even the British Council, it is just another organization which is coming from another government, this does not seem to be correct. As another hon. Member has pointed out very ably, if we were to continue this then, it would mean that we should also incorporate other institutions that originate from other countries in order to maintain our position of non-alignment. But I think that this system, of course, would in the end entail having quite a lot of people on the board from all parts of the world. I do not think we need to do this, so I would suggest that this is completely out of place and really should be struck out so that the British Council is not represented on the board. Our relationship with the British Council is quite clear, is known, we do not hate the British Council, we do not hate Britain as such; but the inclusion of the British Council on the board, exclusive of other such institutions originating from other countries, seems to be out of place.

With these few words, Mr. Speaker, Sir, I beg to support.

Mr. Wariithi: Mr. Speaker, Sir, I rise to support the Bill and to support much of what has been said by other Members. While I support, I would like to say one or two things. First of all, on

[The Assistant Minister for Home Affairs] value to the readers; whether they are books which are difficult, whether they are books which would enlighten the people so that they may think for themselves or not. But I would urge that the board should look into the kind of material that is likely to be useful, suitable for all ages and abilities. In this regard, Mr. Speaker, I would also add, as a final point, that the librarians being trained in the University College for East Africa at Makerere should be available at specified centres throughout the country to encourage the readers. We should not strictly stick to those centres without trying to find out from the readers what their difficulties are, to undertake a type of research, and then pass on these difficulties and experiences to the central body, which is this board, so that the services provided by this board can be improved.

With these few remarks, Mr. Speaker, Sir, I would like to support the Bill.

Mr. Omari: Mr. Speaker, Sir, I also rise to support this Bill because I feel that it is one of the most important Bills that has come into this House. What I would like to say, Mr. Speaker, is that we must have a starting point so that this Bill may become useful to our people in this country, and my suggestion is that the board should first concentrate on establishing the libraries in the primary schools and in the intermediate schools. Also, if this is possible, to establish a library, wherever there is a chief's office. Once we do that we will be training and encouraging our young men to make use of libraries and, therefore, the money which will be spent on this board will be serving all our people in the country. Unless we do that, Mr. Speaker, Sir, I think the board will be wasting the money as it is now realized that the majority of the educated people do not make use of the libraries. It is because they were not given enough education on using the libraries. Now, if we start with the boys and girls in primary and intermediate schools; they will be starting their education by using the libraries and will continue doing so even after they leave school.

New I would like to say something about clause 4, Mr. Speaker. Where another Member has already said something about the functions of the board. It shall be to promote, establish, manage, maintain and develop libraries in Kenya. Now, in the Coast Province, particularly Mombasa District, there are some religious libraries where you find only religious books. There are no general education books and I think the Minister should take this into account so that at the time when they want to promote they put more

religious books into these religious libraries to those that those people who are very keen on religion could also get some books to read and increase their religious knowledge.

Another thing, Mr. Speaker, Sir, here is about clause 4 (2), where it is stated that "the board shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be necessary, desirable, advantageous or convenient for, or in connexion with, the carrying out of its functions, or to be incidental or conducive to their proper discharge; and may carry on any activities in that behalf either alone or in association with another person or body, including the Government or a local authority."

Now here, Mr. Speaker, I am more concerned about the last part which says, "carry on any activities in that behalf either alone or in association with any other person." Now where it says, "in that behalf, either alone . . .", my point is that in Mombasa District there are some libraries which at the moment are privately owned and they are run by some associations or by some individuals, if this Board is going to carry on any activities in that behalf alone, I think it will not be fair. My suggestion is that this board should always discuss, whenever they want to promote the services of any library, they should always co-operate with the present individual owners or the associations which own these libraries and not to be taken over by the board. If it is necessary that the board must take over the library, it should see to it that fair compensation is paid to the present individual owners or to a group of persons owning such a library.

Another point which I would like to make, Mr. Speaker, is about the composition of the board. It is stated that a representative will come from each province. My suggestion is that only Members of Parliament from each province would be appointed as members of this board, so that such members can express the running of libraries in his province, not to take a man who is not in the political field because he might not be acquainted with what is going on in his province.

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

The Assistant Minister for Finance (Mr. Oldo-Odongo): Mr. Speaker, Sir, I only rise to emphasize a few points which have been made by the hon. Members who have spoken before me. The first one is this question of encouraging writers. This is going to be a very important thing for our country since we do not have many books written by the people of this country. What the library is going to be very useful in encouraging people to read, this would not be very useful

[The Assistant Minister for Finance]

if there were no books to be read, or if the books to be read came solely from outside. So it is very important that the Board, while encouraging people to read, should take it as a matter of great importance, this question of encouraging the people of this country to write.

It seems to me that there are areas which could be encouraged, there are places where this thing could be tapped, especially among the teachers both in the schools and in our colleges. It seems to me that this is a place where the Ministry really should make a definite plan and should have really concrete ways and means of encouraging people to write. People should be induced either by payment or by giving them holidays, these teachers, to enable them to have time to write, so that we can produce material that is local and that is relevant to the situations in our country. This would be very useful indeed for our people and it would be something that we could leave behind for the future generation.

I would like to emphasize, Mr. Speaker, Sir, that this part also should be taken very seriously by the board when it is constituted.

Another aspect is the membership of the board. Hon. Members have made various suggestions and it is important that the members of the board are qualified and have the necessary knowledge and understanding of the job they are engaged in. Since this Bill leaves out a lot of policy matters with regard to the type of material that should be read and encouraged, and also my colleague here, Mr. Agar, has pointed out that you have conflicting materials in the world today, the Bill itself will not prove to be useful on this point. It has been said that reading makes man but it is reading with a purpose and system to guide it. If one sits and reads anything that comes within one's notice, and consumes or tries to absorb and the next bit of reading where one is thoroughly confused, not knowing what to believe, who is right and so on. So this is going to be important for our education and for our country, that our library system must have an educational system along with it whereby the reading habits of the public are—I should not say controlled but guided; I do not think we should be afraid of the word "guide" because it is a fact that when one is going to learn, one has to be guided. As I have pointed out, Mr. Speaker, Sir, that if one were left free in the wilderness of books coming from all parts of the world to be read it is likely to leave one completely confused. Therefore, our library system should take this as one of the

most important things and should by down certain policies and certain methods of working, so as to enable the people to benefit from the system.

Now I notice, Mr. Speaker, Sir, here that in pointing out the members of the board various Ministries have been included here. The Ministry of Information, however, is missing. It seems to me that the Ministry of Information is one of the important Ministries because perhaps at some time we will want to open libraries outside Kenya or outside the continent, and it seems that in many countries the practice is to use the Ministry of Information for informing people outside our country of the books we have, the writers and the materials we have and the type of cultural life we enjoy in the country. So, Sir, I would suggest that my friend from the Ministry of Education considers the possibility of including the Ministry of Information as one of the Ministries that should be included on this board.

Hon. Members have made reference to the British Council and my hon. friend, Mr. Agar, said he was not very sure whether it should be included. I feel definitely that this thing to be a wrong thing to include the British Council here on the board, which is a Kenya board, a national board supported by our Government. Having the British Council representative on it, which is not even the British Council—it is just another organization which is coming from another government, this does not seem to be correct. As another hon. Member has pointed out very ably, if we were to continue this then it would mean that we should also incorporate other institutions that originate from other countries in order to maintain our position of non-alignment. But I think that this system, of course, would in the end entail having quite a lot of people on the board from all parts of the world. I do not think we need to do this, so I would suggest that this is completely out of place and really should be struck out so that the British Council is not represented on the board. Our relationship with the British Council is quite clear, is known, we do not hate the British Council, we do not hate Britain as such; but the inclusion of the British Council on the board, exclusive of other such institutions originating from other countries, seems to be out of place.

With these few words, Mr. Speaker, Sir, I beg to support.

Mr. Warlithi: Mr. Speaker, Sir, I rise to support the Bill and to support much of what has been said by other Members. While I support, I would like to say one or two things. First of all, on

[Mr. Agar] of provincial chairman; I do not know what they are called now.

Therefore I suggest that the Ministry looks into the way in which representatives from regions or from provinces are going to be selected. I do not agree with the idea of the old practice for selecting them at the hands of the chairmen of the provinces.

Concluding this matter, Mr. Speaker, the literature is a more dangerous thing than most people imagine. We also know that it is a double-edged knife which can cut both sides and harm the nation. We have seen in many countries the way literature pours in; cheap kinds, particularly in the light of the divisions in the world, religious divisions, political divisions, East, West relationships. Certain books come into the country at cheap prices and the main theme in all of them is that the opposite side is wholly bedevilled and wicked, their policies are wrong, their social life is wrong, their morality is rotten, their political system is rotten, and all you read is that the other side is a devil. Take for instance, if you read publications from the Republic of China, they will never admit that anything good is happening in the United States of America. The same thing goes for the others; if you read a publication from the United States, you will see that nothing good happens in the European Eastern countries.

Mr. Speaker, Sir, I do not advocate the abolition or the prohibition of this literature in this country, but I feel there should be a certain amount of control of their inflow. Also I advocate that such literature will wholly be rejected by our national library, and not displayed because it will create a bad impression and make us enemies of the people whom we have nothing against. This sort of thing, of course, will depend on the machinery which will be established by the national service of the library. It depends on the people who will be on the board and those who will be serving as librarians. This is why we also emphasize the importance of particular selection of people who can help to select good books. I am sure that the House will agree with me that if we leave it to the chairmen of the provinces to select this man for the national library board, when he is selected he will not be able to distinguish which publications analyse Karl Marx writings, or Leninism, or social democracy and things like that. He will not be able to see which is more valuable, which is more readable for East Africans and so on. That means we shall have to be very careful in selecting people who will serve in this service.

Mr. Speaker, Sir, in this respect, I support the Bill and I hope the Ministry will expedite the establishment of this service properly, will publicize this service properly, will whet the appetites of the masses, particularly the Africans in this country, to encourage the reading so that they do not spend most of their time in public bars and in cinemas.

Mr. Speaker, I beg to support the Bill.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Bill before the House. I would like, however, to make a few observations on some of the sections of the Bill. First, section 4 outlines the functions of the board to be established. I see "that the functions of the board shall be to promote, establish, equip, manage, maintain and develop libraries in Kenya." I am not very clear what the words, "promote, establish, and develop libraries" mean. I do not see much difference. Perhaps the Assistant Minister when he replies will be able to throw some light on the three terms. The term "equip" also creates some confusion in my mind. I do not know whether this simply means that you go out in the country, collect or buy books, bring them here to this country to be read, or whether it means encouraging people to write books here relating to our own experiences, exploiting for the benefit of this country the knowledge which is contained in our learned men and women in this country. There again, I hope the Assistant Minister will explain, or perhaps throw some more light on this when he speaks. I would suggest, though, that this service should also offer an opportunity for our own people to write and to produce books, not only as text-books, but also books which will suit all ages and all abilities, and not only in the English language but also in Swahili, the language which we want to boost up as our national language.

The next clause, I want to comment on is clause 6. I see that the Bill seeks authority from the House "that the board may be given power to appoint a person". I would like to see a categorical statement that the board will definitely appoint a person, and not leave it obligatory like that. It must appoint a person at the same time and a person who knows something about libraries. If you leave it vague like this, we may find that the board may happily go on without a chief librarian; or they can appoint a person and say that that particular person was just holding the fort while, they were looking for the proper person to appoint

[The Assistant Minister for Home Affairs] as a chief librarian. It should be made compulsory that they appoint a person as a chief executive officer and a chief librarian.

I notice too, Sir, that in the Schedule there is a bit of an omission which seems to be spelt out in clause 8 (2). The powers of the Ministry—presume it is the Minister for Education—shall be exercised with the concurrence of the Minister for the time being responsible for Finance. In the Schedule, I do not see any representative of the Minister for Finance. It will make the work run more smoothly and expedite the discussions and execution of the policy and discussions of resolutions, if a representative of the Ministry of Finance were included in the list of members.

Talking about the members, Mr. Speaker, I would like to sound a note of warning to the Minister for Education. I see that in the Schedule 1(a) (ii), (iii) and (iv), the membership shall be a representative from the Ministry for the time being responsible for Social Services; (b) for Local Government; and (c) for education respectively. It is a bit dangerous to leave it like this. "A representative from those Ministries." Why do we not say Permanent Secretary or Chief Education Officer for that matter in the case of the Ministry of Education—somebody who really has powers. We do not want to, if I may put it in a rather derogatory way, we do not want to see simply a person who comes from the Ministry of Education. What would stop the Minister for Education or the Chief Education Officer or his deputy, if busy, from sending some new officer straight from the college, just a third assistant secretary in the Ministry to be on the board? What would stop the Minister for Local Government from sending somebody who has just been promoted from the Labour Department to the Headquarters of the Ministry of Social Services to represent the Ministry on this board? We should select and spell out the name of the particular class of person we want. It might be necessary to see a representative of the Ministry of Education, from the Ministry of Education, who shall hold the rank of a Senior Education Officer; a person who would know what he was talking about, not simply a representative from the Ministry of Education, and, for the same reason, from the Local Government or the Social Services Ministries. If it were not for fear of being accused of being a little selfish, I would say that Assistant Ministers, if the Ministers could not attend, from those Ministries, or a high official from those Ministries should be the representative on this board.

Mr. Speaker, Sir, I am not very happy about a representative of the British Council; not that I do not like the British Council for its work and its gifts of books and the £900, I think we put a representative from the British Council on the board, we open the board to attack from other political groups. Others would ask why we do not have a representative from the news agency of Tass or some other place, why not one from the Carnegie Corporation or some of these charitable bodies? I would like to see these people put in at the discretion of the board as observers rather than full members of the board.

Mr. Speaker, the next point I would like to tackle is a very minor one. I would like to think that it was a typing or a printing error, that the word "Region" in section of the schedule, Part II talks about a representative from each region. This Bill coming to be House in the Republic of Kenya should speak of a province and not of a region and I hope that when the Bill is written in its final form we shall have the word "Province" rather than "Region". Again, here I would like some word of warning to be given to whoever is going to be responsible for selecting the regional representative, or the provincial representative; he must select a person who will be effective and who will know what he was talking about on the board, not simply a body to come and sit and fall asleep during board meetings. I agree very strongly with my friend, the hon. Member, Mr. Agar, on the selection or the appointment of a candidate to represent a province or region.

Finally, Mr. Speaker, I would like very strongly to support those who have spoken before me on the idea of a mobile library. It would fit the aim of this Bill if we were to establish and promote these libraries, maintain them in places like Nairobi, Mombasa, Nakuru, Kisumu and such big towns. We should be able to reach the common man and woman in, his or her locality. It should not only be able to reach him, but we should also reach him with the material which would be suitable to him. We know that most of the schools, where today we have the nucleus of readers, would require a certain type of books to read, a certain type of print, and it should be the duty of this board to see that the right material is transported to the areas where they would be most usefully used. I do not know what kind of books we have received from the British Council or from the other donors, whether these books which we have received or are likely to receive would be the books which would have immediate

[Mr. Mati] making people literate unless you can provide them with material to read, and I believe this system, when it is established, will fill a very important gap in our struggle against ignorance. Again, Mr. Speaker, as every person knows, books are a very expensive commodity and not many people can afford to buy all the books they need. A public library system, therefore, provides the means whereby a person can get hold of the books which he himself cannot afford to buy. This will help, Mr. Speaker, to kill one of the evils which has been referred to by my hon. friend, the previous speaker. One of the weaknesses of our educational system, Mr. Speaker, is that once students have left school they hardly ever bother to read, sometimes because they just cannot afford the cost of books. This therefore, is going to provide them with books, and the fact that the books will be available, and the fact that they will be able to read them, this will try to remove what we have seen happening when people leave school, and they stagnate intellectually, and what follows is retrogression. So that, today in Kenya, Mr. Speaker, we have many intellectual fossils.

The library system, Mr. Speaker, will also provide opportunities for those who want to learn certain arts or techniques. There will be technical books which will help those who want to promote their knowledge along certain lines. I also wish to stress the importance of the mobile library system. I do not believe, at this stage, that having books in various centres, especially in the larger districts, would be much use, unless this is supplemented for a system of mobile libraries.

Mr. Speaker, there are also dangers which we must guard against. The major danger in this endeavour is what the hon. Assistant Minister referred to when he quoted the U.N.E.S.C.O. manifesto. That is, we must guard against using the library system as a means of telling people what to think, and we should, in fact, provide them with material which they can think about. One of the dangers, Mr. Speaker, is that in a system which is chiefly dependent, or to a large extent dependent on free gifts there is a danger that these gifts may be given for a purpose. I do not imply, Mr. Speaker, that this is going to happen, or it has happened, in fact, I happen to know that a lot of the bodies which has been helping a lot in libraries in East Africa, has provided material which is so varied that nobody who is sane at all could accuse that body of being biased, but we must guard against the possibility of other bodies offering us gifts, be they books or money, with certain conditions which may,

in fact, encroach upon the integrity and the independence of the system. It must be mainly a Kenya public library system uninfluenced by other biased opinions from anywhere. This, I believe we can do if we are careful in choosing the people who are going to run the system. In the appointment of the Chairman, Mr. Speaker, I agree with the hon. Member who said it is useless—in fact, it is dangerous—to appoint a person who is unfamiliar with books. This is not the type of board where you can take anybody for whatever reason, be they political or personal, and put them there and hope that everything will be all right. He must be a person who has interests in books, and who is familiar with books which means that a certain amount of academic background here is involved. He must also be intellectually mature, so that he is able to make judgements on books. He must be politically mature, also, Mr. Speaker, otherwise we will fall into the path which I mentioned before. This means, therefore, Mr. Speaker, that the chairman, and the board as a whole, must be non-aligned, in the true sense of the word. They must be independent, people who can make independent judgement on the quality of the material they are going to dish out to the people. There is no doubt the chief librarian, who is, I believe, the same person as the chief executive officer in the field, will be a qualified person, a man who knows his work, and it is important that the other people concerned with this work, the members of the board, and the chairman, must be people who also know what they are doing.

Lastly, Mr. Speaker, I think we should express our thanks to those international bodies who so kindly assist us, especially in matters like these, where we cannot do it alone.

Mr. Agar, Mr. Speaker, this is a very welcome and timely Bill for Kenya at this stage, and we want to assure the Minister that Members are keen to support this Bill.

The idea that the library should exist in modern countries, and in modern society, is a common one. It is not new. But, we have to be careful and prepare to make use of libraries that shall be established. In this country, Mr. Speaker, we have noticed that the habit of reading is not being encouraged by anybody. In many countries that we have visited, we have seen the literature of all kinds is encouraged for the public by various bodies, including the Government. We do not have private bodies here which are as active as those we see in other countries, and therefore, our Ministry has a long way to go to interest members of the public about the library that they will establish, the services that they will establish in this country.

[Mr. Agar]

Mr. Speaker, one despairs when he finds that in Nairobi in the last two years, places which used to be some communal libraries or societies, have been converted to eating-houses, and some have become bars for drinking. That means the public have not shown of late, any tendency to increase their reading habits. This is why the Government will see that it is necessary to establish a strong machinery for publicity, of usefulness for the library, to make people conscious of the benefits and the advantages of reading in the society from intellectual circles to ordinary men in the street. In this connexion, we will advise the Government very strongly to establish immediately a publicity board which will inform the public fully of our library services. This must be taken seriously by the Ministry of Education and probably the Ministry of Social Services.

Mr. Speaker, Sir, the composition of people who will serve on the Board, the selection of people who will work in the library, is a very important thing. In a new country like Kenya, the tendency would be that appointments are made with certain considerations, some political and some tribal. But, this is where the library service, and the people who serve in it, is a place where the Government has to be very careful to see that it will be an impartial body, very conscientious body, which is interested in shifting the minds of the people in the right direction. I have seen that the British Council will be represented on the board. Mr. Speaker, I am not quite sure whether I should support this or not. I see that in this country, the United States Information Service is already rendering national service and is also trying to help a great deal. I have seen that the Librairie Francaise has been started in Nairobi. These other bodies are serving us and I do not know whether it is because of assistance that the British Council is giving us this, and make us include it on the board. Personally I feel that to encourage all idealists, all bodies and all other services like the British Council, to help us and to associate with us, we should not discriminate one particular foreign service and include it on our board while leaving out others which already exist, like the United States Information Service and the Librairie Francaise. Mr. Speaker, Sir, I also see that the teachers have not been brought into the picture. We have a very powerful organization for teachers, the Kenya National Union of Teachers, and they, in fact, have done a lot to maintain the standards of education in schools for the public, so we should not ignore them for bodies like this one. As a matter of fact, the teachers on the intellectual side, on the academic side are the ones who know

very well, know much better what needs to be done, more than any other person, to make the best possible use of a library service. Therefore I would like to suggest to the Ministry of Education which is in charge of the formation of this body, to include a representative or representatives from the National Union of Teachers, whether it be given to them to appoint one from among them or whether Government would consider to appoint one from among the National Union of Teachers.

Mr. Speaker, Sir, I would also like to emphasize, as my hon. colleague Mr. Mati has said, that when considering who shall be on this board, the Bill says the Minister may choose any Members to serve on the board. It is vague and it is dangerous. We want to be given assurance that the person who shall be chosen to be in charge of the national library service will be a person who will be known for his interest in intellectual development, and for his ability to serve, to guide the library service in this country properly. It is quite possible, Mr. Speaker, that the Minister being a political person may find it difficult to find the time, and have the proper advice to get a man like this. I would suggest that another board, another intellectual body should be constituted, which will include university representatives, Education Department representatives to select a man from among members of the board, or outside the board to become the chairman of the board. In this way, I think, Mr. Speaker, we will always be able to guard against choosing a man for certain other considerations other than ability and intellectual interest.

We have seen, through experience, that people for national boards from provincial, former regional authorities, have been chosen in a very unsatisfactory manner. First of all, as soon as it is known that a board exists, and people are going to be appointed to represent the former regions, now provinces, for this board, people begin to campaign. The people who select those authorities which select the representatives to be included in the national body, are themselves politicians. In many cases, Mr. Speaker, with due respect, as a result of elections many people become chairmen, former presidents, who cannot be accepted, as those who can judge the ones who should serve on important national bodies. As a result we have had a lot of inadequate representatives in the national bodies because politicians at regional or provincial level have chosen certain friends for these very important boards, technical boards. This is a very technical board and we must find another way of selecting the people who represent the provinces in this national body, other than leaving it in the hands

[The Assistant Minister for Education]

When the East African Literature Bureau was established in 1948 the Director, Mr. Charles Richards, saw very clearly the need to supplement the main work of the Bureau which was the production of reading material. With a service of this kind, and for many years, the East African Literature Bureau libraries, through their book post and postal services, has been the main source of information for Africans. The Bureau Librarian in Kenya, Mr. John Ndegwa, F.L.A., has the distinction of becoming the first qualified African librarian in Kenya. Another member of the staff, Mr. Opundo, is now completing his training in England.

Mr. Speaker, Sir, if the services now being set up are to be effective, we shall need many librarians in Kenya. During the next ten years, and apart from the people who are now training overseas, I am glad to say that with the assistance of U.N.E.S.C.O., the Rockefeller Foundation and the Inghit Council, the Rockefeller Foundation is being set up at Makerere College. Some thirty students have already completed six months certificate courses and by next year it is hoped to set up a two-year diploma course which will provide an advanced qualification for East African librarians. Many of the young people now reaching secondary school standards are expressing an interest in librarianship as a career. As the service develops they will find it a satisfying and rewarding community service.

It was realized, however, that the resources of the Bill were completely inadequate to meet the increasing demand for library services throughout Kenya and Mr. Richards planned for the extension of the International Library Services which were given impetus in 1960 by an expert from the Secretary of State, offering through the British Council, financial assistance towards the establishment of library services throughout East Africa. A library organizer was appointed and after a survey of the area produced development plans for each territory. These plans were approved by the Advisory Committee set up for this purpose and submitted to the Governments concerned. Both Tanzania and Uganda have now established libraries boards and the development of public library services in these countries is going ahead rapidly. I am glad to say, Sir, that funds have been made available to my Ministry to launch a similar development programme in Kenya, and a branch library of the International Service is now being established in temporary premises at Wilson Airport.

Consideration will have to be given for the provision of properly designed buildings both for

the headquarters and the branch libraries which will be needed throughout Kenya.

The British Council has already provided £9,000 worth of goods to maintain the existing Bureau Library, and with the establishment of a library board, which is the purpose of this Bill, and the assurance of the basic recurrent expenditure from the Kenya Government, continuing generous aids in the provision of books, visual aid equipment can be expected from the British Government and other overseas agencies which are interested in this important work.

Mr. Speaker, Sir, it will be the task of the libraries' board to prepare and implement a plan of library development which, by means of branch libraries, mobile libraries, and any other means will make books and suitable reading material readily available throughout Kenya to all who can profit by them.

I would like, with your permission, to quote parts of the U.N.E.S.C.O. manifesto on public libraries which sets out the aims of the services of this kind. The quotation is as follows: "The public library should be active and positive in its policy and dynamic part of community life. It should not tell people what to think but it should help them to decide what to think about. The spotlight should be thrown on significant issues by exhibitions, film shows, discussions, lectures, courses, shows and individual reading guidance. Reading interest should be stimulated and the library services publicized through a well-planned continuous public relations programme. The public library should link its activities with the work of other educational, cultural and social agencies, the schools, universities, labor unions, study clubs, other education groups, etc. It should also co-operate with other libraries in the loan of publications and library associations for the advancement of public librarianship. The books in the library should be made accessible on open shelves by use of additional technical processes, and the library service should be brought close to the home and the work places of the people by means of branches and mobile units.

"With a well-trained, resourceful and imaginative staff, and adequate budget and public support, a public library can become what it should be: a university of the people offering a liberal education to all comers."

Mr. Speaker, a previous Minister for Education, speaking in the Literary Council in 1960, made this statement, and with your permission I would like to read. He mentioned, "It is obvious to me that this Government which is spending at the rate of over £6 million a year on educating

[The Assistant Minister for Education]

people and enabling them to read, must give some thought to the vital means whereby books may be readily available to the people who are being educated." Since then we have considerably extended our educational and community development programmes at all levels. Unless we can now provide for the individual an opportunity to develop and extend the knowledge and skills he has acquired in the college, the workshop or even in the literacy campaign groups, much of this endeavour will be wasted."

So, Mr. Speaker, my Ministry feels that it is very necessary to start this Board which will be catering for the libraries which have at present been established.

With these few words I beg to move.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

Mr. Makokha: Mr. Speaker, Sir, this is a very welcome Bill, and I am speaking as a former teacher. In this country, particularly in African schools, the habit of reading, up to now, I dare say, is completely lacking. African children have not been taught the art and habit of reading, particularly reading for enjoyment and, therefore, Sir, we find that this follows them later in life. We find in Nairobi nowadays a lot of Africans who work in offices and in various places do not know that reading is a value, so that after office hours they find their way to the bars most of the time and this is not their fault. The fault lies in the fact that when they were at school they were not taught that reading was a good thing.

Therefore, when this service starts, I would like to see schools included in the programmes. The Board and the Librarian must be made to understand that suitable books are found for all grades of schools, that is, from primary up to secondary level, so that children form the habit of reading at an early age.

Looking at the Schedule, I see that we have a representative from the Ministry of Local Government. I hope the reason is that this service will be extended to all the districts of the country. Stressing on that particular point I would like the service of the Ministry concerned to approach the county councils so that we have libraries run by the county councils, and probably spreading to local or area councils. In this way the public at large can have access to the books given by the library.

Also, looking at the Schedule once again, I see that we have the various representatives: we have one from the British Council. While I do not have any quarrel with this, I would like to know why this particular group should have representatives only from the British Council, although we have other agencies in this country who would be of value to this Board.

Mr. Speaker, Sir, in Schedule 2, the Minister may appoint any Member to be chairman of the board. That, I believe, means any Member or one of these people laid out in the Schedule.

Mr. Speaker, Sir, I would like the Minister, while appointing this Chairman, not just to appoint anybody. I would like somebody who knows something about books, and is interested in reading, not just anybody who may not have any knowledge of books, or may not know the value of reading books.

Mr. Speaker, Sir, another point is that I would like to see—and the Assistant Minister has referred to it—a mobile service. This should be of extreme value to this country because there are some areas where it may be difficult for people to go to the libraries, and in some areas, they suggest that the libraries should go to these people. That is why I support the Assistant Minister when he includes in his speech that we shall have mobile libraries. I believe, Mr. Speaker, Sir, that later on when we have a chance, we should have a vehicle for each district, or probably before we reach that stage, a vehicle for each province, so that in areas where people find it difficult to travel to the libraries, we shall have the service extended to as many people as possible.

Lastly, Mr. Speaker, Sir, I see we are going to appoint a chief librarian and an executive officer. I would also like probably later on, or through the librarian, to see some kind of publicity to preach to the country the value of these books, and the value of reading, so that people everywhere in Kenya know that such a service exists, and can make use of it.

Mr. Mait: Mr. Speaker, Sir, I rise to support this Bill which I regard as one of the most important Bills that has come to this House. As the Assistant Minister said, the idea of establishing a library system in this country is not new, and we are glad that at last it is coming into being.

There are a few points I would like to make, just to stress why I think this Bill is important. First of all, Mr. Speaker, I think in this Bill we are declaring an open war with one of the three major evils that face us, that is the evil of ignorance. It is useless, Mr. Speaker, to talk about

[The Vice-President]

proved that we have actually defeated this Motion though it does not like that, which is very pitiful or done something not like that, as the Minister said. You must not do that and, as the Minister said, we are not all angels. even now I have just come doing a duty which should have been performed by one of the Members from that side. I was doing it for him when he had been told to do it. If we go on acting in that way, we shall not achieve much. You may also say that Ministers are not always perfect in this, and when we found that the Members from this side, opposite bench, or the Members from this side, have really made a case then we would be pleased.

What we should do is to get together with you, stick together and discuss this Bill. This is what we want. If all you want is for us to kill this Bill, and already there is a murmur, but a Member for Mandarua has made a case here that there are certain people who have actually applied for loans, who are now waiting to get some money, if we do not go into all these things together then when are you going to get these loans through? You will kill the Bill and then everybody will say you have, but the people will ask you what are you doing about this.

Let me put it this way. It is no use, the Government is yours, it is all of you who should go and co-operate to find a way of doing this. It is not the responsibility because I am aware that I should be more responsible than you. We are all responsible for all problems and we are all anxious that we should get the solutions. I think that what we request of you, Mr. Deputy Speaker, Sir, is to let me request the House. This attitude is that is about to develop the House. This attitude is that let the Ministers sit there and you sit there blaming one another, quarrelling, pouring scorn on one another, and it will not help.

One Member is trying to say that he is the man who knows everything, who is going to guide us. As soon as you said yourself, that you are going to guide other people, you actually retain a position which is very, very dangerous. What we should do is to help one another and therefore to find out how we are going to run this country, and I can say about this Bill that it refers to many of the questions which the hon. Members raised a few days ago when we were saying that we want African people to be settled here and there and now we are trying to clarify the position between the Government and those people who are being settled and also between the Members and I think that this is a very important question. We may only have to adjourn

this for a week or ten days and within this time I have promised the Members that we will be able to sit with the Minister concerned, with the Members concerned, and let us see if we cannot get a proper solution to the whole problem. If you just want us to go and kill the Bill then I do not know what you are going to get in killing the Bill, except when you come out of this House, you will only be proud that you have defeated the Government. Is that the attitude?

Mr. Anyieni: Mr. Deputy Speaker, Sir, on a point of order, if I may be allowed to say this, is the hon. Vice-President not imputing improper motives by saying that the only reason why we want to defeat this is to show that it is not the grade?

The Deputy Speaker (Dr. De Souza): No, that is not an improper motive.

Mr. J. M. Kariuki: Mr. Deputy Speaker, Sir, on a point of order, the Vice-President says that

The Deputy Speaker (Dr. De Souza): Who?

Mr. J. M. Kariuki: The Vice-President.

The Deputy Speaker (Dr. De Souza): That is not considered in Standing Orders as imputing an improper motive. The Vice-President has said, all you want to do is to defeat the Government and be able to say so. That is not an improper motive, an improper motive has to be dishonest. I see your point but I cannot class it as an improper motive.

Mr. Makone: Mr. Deputy Speaker, Sir, is it not in order for the Vice-President to explain to the House the urgency of this Bill, why it should come within seven days and not six months?

The Deputy Speaker (Dr. De Souza): I get your point, but the Vice-President has been busy in the last seven days, and he has just been trying to explain, as a result of the meeting of the hon. Member, cannot on points of order, rise to tell what the Members should speak on. That is not in order.

The Vice-President (Mr. Odinga): Thank you very much, Mr. Deputy Speaker, Sir, I should say that although the hon. Members are so anxious to rise and to suggest that I am being unfair, I am not being unfair, because it has been suggested by some Members that they wanted to show us what we should actually do.

In actual fact that amounts to the fact that, what they want to say to us is that when we want to pass this Bill then you will know that we are the people who understand all the things and

[The Vice-President]

the people who know, this means that we are going only to compete and this is very difficult indeed, on such an issue, where the Members feel so strongly. Only a few days ago we were debating here the question of our people who are being subjected to eviction, the question of settlement, the question of the people who are restless and so on. This Bill is one of those which at this time seeks to clarify the relationship, the future relationship, which the Government will have with those people who are to be settled, and also the question which may also clear the way for the Government even getting some loans to support these people who are to be settled, and today to kill the Bill and say that we killed this Bill, and then say what we want to do without it, then the people themselves will not be helped in the least. I want us to decide today that it is not a question of trying to get the better of or humiliate a Minister, it is a question of deciding what one wants for the country.

I would only like to ask and appeal to the Members that the debate should be adjourned for about a week or even a little bit longer, maybe about only ten days, and when we resume again we will, I am sure that the Government will also consider the points, which I think have been raised here by the hon. Members, and at the same time any discussion which we have with you may actually clarify the air much further and we will be able to put the Bill in a more acceptable manner.

[Question put and agreed to]

Mr. Anyieni: Division!

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Deputy Speaker, Sir, is the Division supported by the correct number of Members?

The Deputy Speaker (Dr. De Souza): I think so, it is not quite sure.

[The Chairman (Dr. De Souza) left the Chair]

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

Mr. Gatuguta: On a point of order, Sir, it is true that the debate was going on when some Members were out and they have just come in, but do not know exactly what the position is, I wonder whether—

The Speaker (Mr. Slade): Order!

Mr. Gatuguta: I wonder, Mr. Speaker, Sir, if you would be in a position to explain what we are voting for?

The Speaker (Mr. Slade): Now the question before the House is the question of adjournment of the debate. This particular debate was based on the Second Reading of the Agriculture (Amendment) Bill to which an amendment has been moved proposing that it be read six months hence, which means in effect killing the Bill. The question now before the House is that the debate be adjourned for one week. That means of course, that, if the Motion is carried, nothing more happens today; and one week hence, or as soon after that as the House sits again, we resume the debate exactly where we left off. If the Motion is lost we continue the debate immediately.

DIVISION

[Question put and the House divided]

[Question carried by 49 to 23]

AYES: Messrs. Achieng-Onoko, Agar, Bala, Bii, De Souza, Ekiella, Gachago, Gatuguta, Godana, E. D. Godia, Kamau, Kamuren, Kariuki, G.G. Kase, Khasakhalu, Kibuga, Kiprotich, Komora, Konchellah, Kubal, Lorema, Matano, Mbai, Mbogoh, Mboya, Mohamed, Moi, Mulama, Murgor, Muruli, Ngala, Njiriri, Nyamweya, Odinga, Okelo-Odongo, Olotipitip, Omar, Omweri, Onanun, Osogo, Otiende, Rurumbani, Sagini, Shikuku, Somo, Theuri, Tuva, Waiyaki, Warithi.

Tellers for the Ayes: Messrs. Mr. Njonjo, and Mr. Gichoya.

NOES: Messrs. Anyieni, Giaccia, Gichoya, Kaggia, Kariuki, J. M., Kerich, Khalif, Kioko, Makokha, Makone, Malinda, Masinde, Muliro, Mwatsama, Ngala-Abok, Obok, Ochwada, Odero-Sar, Oduya, Oselu-Nyalick, Soi, Too, Wamuthenya.

Tellers for the Noes: Messrs. Kali and Ochwada.

[Debate on the Agriculture (Amendment) Bill therefore postponed for one week]

BILL

Second Reading

THE KENYA NATIONAL LIBRARY SERVICE BOARD
BILL

The Assistant Minister for Education (Mr. Ole Konchellah): Mr. Speaker, Sir, I beg to move that the Kenya National Library Service Board Bill be now read a Second Time.

Sir, this Bill to establish a Library Board is the culmination of many years of endeavour to develop public library services throughout Kenya.

[The Assistant Minister for Commerce and Industry]

but I see that there is nothing wrong in adjourning this amendment until an agreement has been reached. Then we can pass it after a week. Members will have time to discuss this issue seriously later, but the Government wants a solution whereby repayment can be distributed. Therefore, I also support the adjournment by the Vice-President.

Mr. Kagalat Mr. Deputy Speaker, I rise to oppose this Motion very strongly. The reason for opposing is that although the suggestion has been so good that the debate should be adjourned so that the Minister can have time to discuss this with the Parliamentary Group, I submit that we have raised this matter a lot of times in this Parliament. We have said, we have begged our Ministers, that before they bring any Bill into this House, they should bring it to the Parliamentary Group, and discuss it. They never do this and the time they realize we are serious about this, is the time they think of calling us to the Parliamentary Group.

Mr. Deputy Speaker, another reason is that I do not think it is necessary—and I very strongly oppose this—because we had one instance of a Bill which was brought here by the Minister for Commerce and Industry. We raised many objections and as a result this was postponed and a Parliamentary Group was called. We discussed it with the Minister, but we could not be convinced and we asked him to withdraw the Bill. Instead of withdrawing the Bill, Mr. Deputy Speaker, it was brought on a Friday morning when they knew there would be very few Members here and the Bill was passed.

Mr. Deputy Speaker, I do not think there is anything else, and I would ask the Speaker to put this question on votes so that we defeat this Motion and discuss the Motion as amended.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, I oppose this adjournment for this Motion for one very clear reason; that the machinery for bringing this Motion to our Parliament is well-established and it is well-known by our Ministers. It is a complete waste of time. I cannot remember how many hours we have been debating this Motion. I realize that we are going to waste many more important hours discussing the faults of others, faults which are never ours. So I oppose this very, very strongly. We should continue debating the amendment and at the same time postpone this Bill for the next six months. For one thing, the people who are given money—these are reasons for opposing, Mr. Deputy Speaker, this Motion. It should be continued and also deferred

for six months—buy up land which is not developed. This land was not owned by the former settlers.

The Deputy Speaker (Dr. De Souza): Mr. Ngala-Abok, I think that you can raise that discussion later.

Mr. Ochwada: On a point of order, Mr. Deputy Speaker, in view of the fact that we are only now repeating ourselves, is it not time that the Mover be called upon to reply?

The Deputy Speaker (Dr. De Souza): No, I think I will allow two more speakers.

Mr. Ngala-Abok: Thank you, Mr. Deputy Speaker. Another reason for opposing this is that the Vice-President when proposing did not say exactly when we postponed, or when we adjourned the Motion, what exactly he is going to do. Whether he will refer it to the Parliamentary Group, or whether the Minister for Lands and Settlement will discuss it with the people who are affected, particularly those Members from where there are settlement schemes; or whether the Government will withdraw the Bill altogether. It seems that there was nothing in the mind of the Minister concerned as to what to do after the Motion had been adjourned, it was merely that we should adjourn for a week for discussion. We want to know clearly that the Ministers have now decided that it should be adjourned and then someone will go to see the Attorney-General or do something so that we should understand the position exactly—

The Vice-President (Mr. Odings): Would the Member give way?

The Deputy Speaker (Dr. De Souza): Would the hon. Member speaking like to give way?

The Vice-President (Mr. Odings): Mr. Deputy Speaker, on a point of explanation, I would like to make a few facts clear. When I said that we should adjourn the debate on this Motion for a week, we do not actually have to adjourn the Bill, it is to give us time to establish what the Members want, and I understand that they want more consultations. This is what I proposed they should be given.

Mr. Giechyo: On a point of order, Sir, I wonder if I am right in wishing to state the conditions under which I accepted to bring in the Motion to keep the whole thing in perspective—

The Deputy Speaker (Dr. De Souza): That is not a point of order.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, I am sorry but I must state always that there must be an intention for an adjournment of a Motion

[Mr. Ngala-Abok] for the introduction of a Motion. The reason why I very much oppose any adjournment which might delay this Bill in the manner of this one is that we know there are manoeuvres all over. If the Motion is adjourned the Government may take any other steps. The Government may adopt any consultative measures. There are so many ways of consultation that if it is not specified as to what machinery will be employed in this consultation it is unfortunate that I must oppose this.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I think that this is not a thing to take lightly. We are taking the views expressed by the Members quite seriously because we believe the Members wish to see certain provisions of the Bill looked into. When I spoke originally one or two Members specifically pointed to one of the subclauses of the Bill which they thought needed to be looked into; but it is not possible, in the course of the debate we have been holding, to go into that clause. It is quite obvious that there are certain great points which have been made by Members which require further consideration and what we intend to facilitate is not, in fact, in fact to kill the amendment which is before the House as such, but rather to postpone further debate to allow us the opportunity to appreciate or to be informed as to which particular clauses are objectionable and be able to see what the position of the Government is on them.

Now, Mr. Deputy Speaker, I do not see why anyone should feel so incensed about that because I believe that the reason why some Members have raised this matter is because they feel that the Government should take serious consideration, and because they feel that some action should be taken on them. If that is the case which of the Members who have brought the amendment, then here is a sincere effort to meet that sincere wish by going into the provisions that have been pinpointed by the Members. Mr. Deputy Speaker, I do not see why we should adopt a negative attitude on this. On the one hand we are accused of not having taken the Members' reactions seriously into account, and when we come forward and say that we are humble enough to—

Mr. Deputy Speaker, if all of us were to be judged by the things we ought to have done yesterday I wonder how many in this Chamber would stand up and claim to be angels.

Mr. Deputy Speaker, the issue is very clear; do the hon. Members want a positive, practical approach to the problem or just to kill the

Bill—is that the desire? Now, the hon. Member for Horna Bay has made a very valid point; he wants to know the nature of the consultations, and I think he is entitled to know this. I would have assumed that all of us would have been aware of the nature of consultations, but if it were spelling out then I will do so on behalf of the Government. The intention of the Government is that we should now adjourn this debate so that the Parliamentary Group will have the opportunity of putting before the Government the various points they have to make on the different subclauses and we will have the opportunity to explain to the Parliamentary Group if there is any reason why we can sit on any subclause. If agreement is reached we will all come back quite happy; if it is not reached we will all come back knowing the position we are taking, and each one will still have his right to vote in this House for the Motion when we come back, but having had the opportunity to consult.

Now, Sir, it will have to be asked why any Member refuses the opportunity of consultation. Why does any Member refuse the opportunity of consultation, because if the Member is interested in getting the right thing done and refuses consultation, how does he get that thing done?

Mr. Deputy Speaker, that is the crux of the matter; why does any Member refuse consultation when it is—

Mr. Ochwada: On a point of order, Mr. Deputy Speaker, I stand to oppose my—

The Deputy Speaker (Dr. De Souza): It is a point of order, is it?

Mr. Ochwada: Yes, Sir, it is that the Mover be now called upon to reply.

The Deputy Speaker (Dr. De Souza): I must rule on that point first. My ruling is that I think we have had enough debate for the House to make up its mind whether it wants to continue with the Bill now or whether it wants to adjourn the debate to another day.

(Question, that the question of the amendment be now put, put and agreed to)

The Vice-President (Mr. Odings): Mr. Deputy Speaker, Sir, I stand again to make my final appeal to the hon. Members on the opposite bench that actually the attitude which I see developing will not help us. We must decide whether we seriously want to get the solution of our problem, or we only want to score a point of the Minister, or that we actually are

[The Minister for Internal Security and Defence]

I would say that this Bill that has been put forward here is to enable the poorer people to settle on the land, because if we had this tendency that we never collect money from the defaulters, who sometimes just do not pay because they use their money for other purposes, that number may go on increasing from 20 per cent, and it may be 80 per cent or 90 per cent. Therefore, Sir, we have to use the law, and at the same time we have to use our minds and our hearts, knowing that when an individual cannot genuinely pay, then we have to know that that individual has to have more time.

But when he refuses persistently not to pay several payments, and yet he has the means and the ability to pay—a really persistent defaulter—and he persistently refuses to pay, then that is when action is taken. We do not say that we are going to be so cruel that anyone who cannot afford to pay we will take immediate action, even if he fails to pay once. What we want to do is to have a broader distribution from those people who are settled, from those who actually do get their incomes and are able to pay, then we will settle more because this money will go into broader circulation so that more landless will be settled.

Sir, I feel that the difficulties we are facing maybe need only further consultation and then we will not fail to come to an agreement. Besides, Sir, these areas are now being surveyed so that all these people can get their title deeds. After they get them, these people will have to be taken to court if there is a case of defaulting. It will not just be, as it says over here, that the Trust will take over the property. First of all they will be taken to court, after they have received their title deeds. Now they are in the process of surveying so that we can give them their title deeds. This is only a short measure to encourage people to work hard on their lands, and not just own a piece of land somewhere in a settlement scheme and come back to Nairobi, not working on it, doing nothing for it, so that they cannot pay, yet in the meantime they just lounge around in Nairobi. We want people who are settled over there to go and work just like the other 80 per cent are working so that they will get the incomes to support themselves and their families, so they will be able to pay for that piece of land in accordance with the laws. If we do not have this kind of law, we are going to have these people who just settle there and then come back to town, not doing anything, and saying they cannot pay back their loans. They, up to this time, have just stayed in Nairobi and not farmed.

Mr. Speaker, Sir, because of these two main reasons, I would like to support the Vice-President and also the adjournment of this debate until next time. After consultations we will find that we have no problems, which we seem to be having today.

(Question that the debate be adjourned for one week proposed.)

Mr. J. M. Karuki: Mr. Speaker, Sir, I think these Ministers are trying to confuse this House. First of all they come with a Bill, which they know very well that they have a lot of time to discuss before they bring it to the House, and it is only the last minute when the Bill is being debated in the House that they suggest that they meet to have more time to discuss this. We cannot allow this, Mr. Speaker, merely because this Bill is going to eliminate most of the new farmers who are settled in these settlements. This is only one example. The Ministers who are dealing with these Bills have overlooked one very important thing: that there are quite a lot of people in the settlement schemes who were told by the Ministry of Lands and Settlement that they were going to get loans in order to develop their farms. But up to date, they have not been given the loans. The Government is expecting these people to pay their loans. How can they afford to pay the loans?

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

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

Mr. Deputy Speaker, it was only the other day when I was taking the Minister for Lands and Settlement around my constituency where there are quite a lot of people being settled. We have found that quite a number of people in the settlement, who were supposed to be given loans, up to date have never been given those loans. It has been kept in the offices of the settlement officers. How do you expect these people to develop their farms so as to enable them to repay the loans to the Government?

Therefore it is understood by the Government, that the officers they have put in the field used to be bankrupt farmers, and they are forcing our people to go bankrupt too.

The Deputy Speaker (Dr. De Souza): I want you to speak on the Motion.

Mr. J. M. Karuki: Mr. Deputy Speaker, I understand this Motion is to adjourn the House. But I do not agree at all that we adjourn this Motion. It is the full understanding of the Government and the Ministers that this Bill is going to put our people in a very bad position.

Mr. J. M. Karuki: I think it is better we forget this Bill completely as such, it is better we forget this Bill completely and Government must consider putting another Bill which will suit the needs of the people. It is a pity, Mr. Deputy Speaker, that we would hate to see people who are settled failing to pay their loans. Nobody in this House would support anyone who is being idle on his farm. We would like to see somebody who has been given a loan by the Ministry of Lands and Settlement or by the Government failing to repay his loan. But how do you expect a person to repay his loan if the loan which he was supposed to operate with was never given to him by the Ministry concerned?

The Deputy Speaker (Dr. De Souza): You will have an opportunity later on to say that in fact you agree with this Bill or not. The Motion before the House is whether this debate should be adjourned or not. Whether the Bill is good or bad, you can discuss later on. But at the moment we are only discussing the adjournment.

Mr. Anyieni: Mr. Deputy Speaker, I do not think you have told the Members exactly what the Motion is. The Motion is not to adjourn the Motion only, but to adjourn for one week. We say that the Motion should be adjourned for six weeks.

The Deputy Speaker (Dr. De Souza): Mr. Anyieni, I think that is another debate. The debate on the amendment which was proposed, I think, by Mr. Gichoya and seconded by Mr. Anyieni is in fact to adjourn this Motion for six months. That can be debated when and if the Motion is defeated. Then we will go back to the question of whether in fact that amendment should be accepted or not. At the present moment we are merely discussing whether the debate, namely the debate on the adjournment for six months, should be proceeded with now or should be proceeded in this House after one week. I want hon. Members to restrict themselves only to this one question of whether they want to debate the whole Motion now, including amendment for six months, or whether they are prepared to adjourn for a week.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I think this must be made quite clear, the point which we are debating. The question is whether we should adjourn this debate for a week. The question of six months arises when the Motion actually is defeated in the House. If the Motion is defeated in the House, it can only be brought back by the Government after six months. But it can be adjourned for a week, or three weeks.

or even six months concerning the adjournment. Are we debating a question of adjournment or a question of defeating a Motion, in which case it can only be brought after six months? It is an important point, and after all, Mr. Deputy Speaker, in the Standing Orders there is no time limit within which we can adjourn the House.

The Deputy Speaker (Dr. De Souza): I have made the position clear. Let me restate the position quite clearly. We have a Bill before us and there is an amendment. The amendment is a technical amendment to adjourn the Second Reading for six months, which in fact means that the Bill will be taken. Now we have another Motion which has been proposed by the hon. Vice-President that the debate on the amendment be adjourned for seven days, a week. Now we are clearly discussing this one point of whether the House wants to proceed with the debate on the Bill and the amendment, or whether the House wants to adjourn it for one week.

Mr. J. M. Karuki: Mr. Deputy Speaker, Sir, if that is the case, I do not want to go ahead expressing more points which otherwise I will express later. But I oppose the adjournment of this Bill.

The Assistant Minister for Commerce and Industry (Mr. Ole Olotlipip): Mr. Deputy Speaker, Sir, I rise to support the adjournment of the amendment by the Vice-President. Mr. Deputy Speaker, we are all very concerned with the building of the nation. The Vice-President, the moment he came into the House, noticed the seriousness of the nature of this amendment. Therefore, the intention of the Vice-President is to put this straight. I do not think there is anything wrong with that—I wish the Members could be patient. We all know what they are aiming at. We are not man-killers. We know that we are the representatives of the people. We represent them in the country, and they should not regard the Government as an enemy of the people.

Mr. Deputy Speaker, Sir, the seriousness of the matter has already been noted by the Government and the Government wants to use the machinery to enable the Government and the Members so that this can be passed peacefully. There will be time for Members, perhaps in the Parliamentary Group, as the hon. Kamau suggested, to put it clearly. It is a question of time; the Government had time and Government still has time. Therefore the question of time does not arise.

Mr. Deputy Speaker, I had a lot to say on this Bill because I know a lot of matters on this Bill.

[The Assistant Minister for Lands and Settlement] do sympathize with some hon. Members who have expressed fears about this Bill being passed, if they are expressing such fears because of their sympathy with the people who may suffer as a result of this Bill being put into operation.

However, I would like to give hon. Members some information, not necessarily for the sake of argument but for the sake of understanding one another, so that when one opposes or supports this Bill he may be in a position to understand what he is talking about.

Mr. Speaker, Sir, this money that is being used to operate the settlement has almost entirely been borrowed from abroad. Now, this money is being used to settle poor people and we need more money. It is not that those who have been settled are the only poor people we have in the country. We have a lot more poor people and if we could get more money we would like them settled. Amongst those people who have already been settled it has been stated very clearly that only 20 per cent of the settlers are failing to pay their dues and hence are failing in their responsibility. I would like to explain how this failure of responsibility comes about.

It is not wholly because of poverty and inability to pay that these settlers are being irresponsible and negligent in paying their dues. We have experienced that it is those who are really negligent that are failing to pay their dues.

For example, Mr. Speaker, you find one settler in a settlement scheme or in a section of the settlement scheme, and I would like the hon. Member for Malajoe-Bassi to listen to this, because I did not think he had enough information when he was speaking. You find in a settlement scheme one person among about 200 or 300 people fails to pay. Upon investigation, it has been found that these settlers come and secure a plot and instead of farming it, he just goes out and looks for some work elsewhere. He is not able to pay because he does not make use of that land. Now, he fails to make use of the land, but that land cannot be made use of by another poor African. Therefore, that land remains idle and it is not properly utilized, which is just one of the examples of those people who fail to pay their dues.

Mr. Speaker, you find that in some other places, a person among hundreds and hundreds of settlers fails to pay because when he harvests, instead of meeting his obligations and his commitments, he indulges in excessive drinking, and goes out to buy other unnecessary commodities and he does not pay his dues, not because he is

poor, but because he has the money and he utilizes the money to buy other things. There are many people who do that.

Therefore, Mr. Speaker, what has been done in this Bill is to bring about a situation whereby if this land, after the procedures which should be followed, is acquired by the Government, the Government does not intend to use this land as one hon. Member said. That land will be given to another poor person. It is wrong that a piece of land should lie idle, when the Government can acquire it and give it to another poor person.

Mr. Speaker, there is no intention on the part of the Government to harass these people, or to harass the settlers. There is no intention on the part of the Government to harass anybody. Before a settler is required to meet his obligations and to meet his financial commitments and to repay his loans, it is always certain that he has some profits from his small holdings. Nobody will ever be asked to pay his original loan until it has been ascertained that he has been farming properly and he has harvested something. If a settler, who has not—

an hon. Member: What happens if he has a crop failure?

The Assistant Minister for Lands and Settlement (Mr. Gachago): I have just explained that for the information of hon. Members.

Mr. Speaker, before a settler is compelled to pay, he is given an opportunity to repay, and a thorough investigation is carried out to make sure that he has completely failed to pay because of negligence. If it is found that a person failed to pay simply because he is poor, I can assure the hon. Member that this person is not harassed in any manner, and his position would be understood by the Government. We could not harass a poor person just because a provision of the law exists.

Mr. Speaker, the question of the six months that was given, was just a time limit, because there must be some time limits. After all, Mr. Speaker, I would like to inform hon. Members that if in the ordinary court, in addition to the money that the settler owes the Government, in addition to the money that the settler owes the settlement scheme, through the normal court of law, more expenses are incurred on the settler, and an attempt should be made through the court of law to recover that money, and it is not the intention of the Government to add more money to a person who has already failed to pay, so that he has to pay even more. This is a situation the Government is trying to remedy. Therefore, Mr. Speaker, I would like to submit that if the

[The Assistant Minister for Lands and Settlement] hon. Members feel that there should be a discussion with the Members of the Parliamentary Group so that the hon. Members would understand what the implications were and want to be given information, and I am sure my Minister would be willing. Then the Government could not proceed with the Bill if the hon. Members want to discuss it. Therefore, Mr. Speaker, I would like the hon. Members to consider this information, and even if there are arguments, so that we can agree not to kill the Bill but to let the Bill stand.

I hope that the hon. Members will see reason in this, and will not attempt to kill the Bill.

The Vice-President (Mr. Odongo): Mr. Speaker, Sir, I note the seriousness with which the hon. Members are treating this very important Bill. Should I say that it is only two days ago when I reminded the House that just as we begin to adjudge into this question of money making, and also trying to keep the loans that we have, we will land ourselves into many complex problems. As such, I can also understand very well the feelings of the hon. Members from the opposite benches, and, I would not like us to go as far as suggesting that the Bill should be killed for the time being. This could be very bad for our people who do not have the loans but who are just about to get the loans. They may find that this may block the way of getting other money which is necessary for cheaper development of agriculture and land.

As such, Mr. Speaker, with your permission, I would ask the House to adjourn the debate on this Motion for about a week in order to give us time, if the hon. Members would like some questions of clarification, to discuss it together, but not actually for such a long time which will amount to a standstill in many of our activities. I feel the Members on both sides are so much concerned about this, from the requests we have, that we are going to debate this particular Bill as soon as we are able.

Thank you, Mr. Speaker; I hope that the Members from the other side, who feel very strongly, will agree on this.

Mr. Kaman: On a point of order, Mr. Speaker, as I understand it, the Vice-President has brought up a very sensible idea. Could I seek your guidance, Mr. Speaker, Sir, whether the Vice-President will tell this House whether the adjournment will be, that he will convene a meeting of the Parliamentary Group on this point, before it goes to any other small group to decide, before we know the consequence of this Motion.

The Speaker (Mr. Slade): That is not really a point of order, requiring an answer from the Minister; but I think he made it very clear that he proposed the adjournment of this debate to enable further discussion.

Mr. Ochwada: On a point of order, Mr. Speaker, I seek your ruling as to whether this is an amendment to be amended, or is a new Motion being brought up for discussion by the House?

The Speaker (Mr. Slade): It is purely a procedural Motion, which means that the debate on which we are now engaged, which is actually the question of the amendment, be postponed for a week and then we can resume the debate at the point where we leave off today.

Mr. Ngala-Abok: On a point of order, if this Motion is adjourned for a week, will the Government keep to that week, because in a week's time, Parliament may not be sitting. In that case, what will happen?

The Speaker (Mr. Slade): It will come a week hence, or as soon after that as the House sits again. The Government will presumably only wait as long as they have to, since it is their Bill; though they might not even bother to bring the debate on the Order Paper again, if they decided not to proceed with this Bill.

Mr. Anylen: On a point of order, there is a bit of confusion in my mind now. One hon. Member, I think it was the Chairman of the Back-benchers, already raised a point of order, and he ruled that if the amendment which has been introduced by the hon. Gichoya goes through, you, as the Speaker, have the power to allow that Bill to come even before six months' time. Did you say that, Mr. Speaker?

The Speaker (Mr. Slade): I did. I think that is the position, though I say so without reference to the book.

Mr. Anylen: If that is the ruling, then is it really necessary Mr. Speaker, —

The Speaker (Mr. Slade): Order, you are not on a point of order. You are debating whether the adjournment is desirable.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I would like to say here that what we require is further consultation so that our differences could be settled elegantly, and I support the hon. Member for Kapenguria in what he said, that there should be a Parliamentary Group meeting if there are any more difficulties, so that we can discuss everything.

[The Minister for Economic Planning and Development] also clearly stipulated in the Act that those who are dissatisfied may go to court. One of the difficulties is that if these people had individual title deeds, there would be no problem; we would not even have to ask for this amendment to be passed, because then it would be quite possible to take the matter to court without resorting to any other arrangement. But in the settlement schemes at the moment, while the survey is still going on, and until individual titles are granted, you cannot take action on the normal basis.

Therefore, it is necessary to make this amendment. Now, Sir, the issue is one which is so narrow that we do not see this apparent effort to enlarge it into a policy debate on a matter which does not really appear in the amendment. I think the question which any Member who is going to support this amendment must ask himself, and in his conscience satisfy himself, is whether it is right that when a man has entered an agreement and promised to be paying instalments on an agreed basis, and he belongs to a group of people—in this case the settlement scheme—that the majority in the scheme should be paying regularly as required and the minority should not be paying, and that nothing should be done about those who do not pay.

Mr. Anyien: On a point of order, Mr. Speaker, I do not think the hon. Minister for Economic Planning has understood my point. I maintain that there is a chance for these people who refuse to pay to be taken to court and this is written in the Bill. So, the Minister should not say that I am saying that certain people should pay while others should not.

The Speaker (Mr. Slade): Yes, you are quite right, Mr. Anyien. You have urged that there should be a chance for any person who does not pay to be taken to court. Whereas this Bill provides forfeiture of his land without resort to any court.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, this is precisely the point I am making: that there is no suggestion that there is going to be no resort to court. The amendment is so that action can be taken under the Debts Summary Recovery Ordinance.

The Speaker (Mr. Slade): The other half of the amendment, Mr. Mboya?

The Minister for Economic Planning and Development (Mr. Mboya): Yes the first part.

The Speaker (Mr. Slade): Mr. Anyien is referring to the second part of the amendment, the proposed amendment to subsection (3). That is what Mr. Anyien has objected to.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, all the same I must state very clearly that the effect of the amendment before this House is to kill the whole Bill and it is not just subparagraph (2) which we are talking about. We are now talking on the amendment which is, to leave out the word "now" and in place thereof to substitute the words "six months hence". In effect this is killing the whole Bill. Mr. Speaker, if Members were only interested in one subclause of the Bill they would bring it in the normal way at the Committee stage to deal with that particular subclause. However, this amendment is to kill the whole Bill, regardless of the machinery that is intended to be used.

There is very little in effect on the attempt now to suggest that all that the hon. Member was worried about is subparagraph (iii). If that is all, then I submit that the amendment should be defeated and the subclause that he is worried about should be the subject that he raises at the Committee stage. Otherwise we have no Bill because the effect of the amendment is to kill the Bill altogether.

The point that must be made here in connection with I was saying originally, is that anyone who supports the amendment is in effect saying, if he says, "let it die" it is in effect to say that Government should have no way by which the 20 per cent of the people who do not pay their instalments can be dealt with.

Mr. Ngala: Mr. Speaker, Sir, with all due respect to my hon. friend the Minister for Economic Planning, I think there is something slightly wrong in his thinking this afternoon.

The fact is, Sir, I support the amendment. All that the amendment does is to keep this Bill in abeyance for six months. Well, the hon. Minister has already shown that in effect this Bill—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I think the House ought to be clear what is the effect of the amendment and I would like you to explain that exactly what it means. The hon. Member for Kilifi South is suggesting to the House that this merely is suspension of this Bill. We contend it means killing the Bill altogether.

The Speaker (Mr. Slade): Parliamentary practice in connexion with an amendment of this kind is that an amendment which defers Second

[The Speaker] Reading has the effect of killing the Bill and it need not be considered again, unless it is introduced again by the Government within six months. The way to defer consideration of a Bill is to move the adjournment of the debate on the Second Reading to another time.

Mr. Warfah: On a point of order, Mr. Speaker, if this amendment would amount to killing the Bill, does it set down any time limit when the Government can bring another Bill on the same subject?

The Speaker (Mr. Slade): My understanding of this point is, whether in the event of this amendment being carried it is impossible for another Bill to be brought in during the six months. In view of the powers given to the Speaker to allow the House to rescind a decision within a given period, at his discretion, probably, the Speaker could allow the introduction of another Bill at any time.

Mr. Ngala: Mr. Speaker, I stand to support the amendment. I support the amendment because the hon. Minister for Economic Planning has shown that already 80 per cent of the people settled are paying their dues. If 80 per cent are paying their dues there must be a very strong reason for the 20 per cent not to pay their dues. Now, because of this, I think if the minority are not paying their dues it is only right that the Minister concerned should have first discussed this with the Members of Parliament, probably in a Parliamentary Group, and cleared the position first before he can insist on passing this Bill now.

If the majority were indeed not paying then we would have had great sympathy for the argument that has been put forward by the Minister for Economic Planning. However, since it is only 20 per cent that are not paying, I think there is still time for us to suspend this Bill for six months and have a complete reconsideration of the matters.

I see some Ministers are looking pleased with this comment. I think they realize the importance of this statement and Bill.

Mr. Speaker, I think it is quite in order for the Government, if it wishes, to have discussions with the Members of Parliament and then bring this Bill forward again next week. It is up to the discretion of the Speaker to allow or not allow the Bill, but if there is general agreement the Speaker will of course bear in mind the feeling of the House. Therefore, this is why I say that the Government has a chance of bringing it up again. If the Government wants to get the sympathy of the House surely the Government must show that

it has sympathy for the 20 per cent poor people who have various hardships that we do not know about.

Let me give you one example. Last week I went round one of the locations in the Western Province, a place called Kimilili and I saw a very poor person who had sold every bit of land that he had and gone to a settlement scheme. Now, I can imagine the hardship that this man will suffer if this Bill goes through. After selling all that belonged to him, if we pass this Bill he will be faced with the necessity of being evicted from his plot, the only property that he has under the sun.

Therefore, since this Bill does not concern the majority of the people, I submit very strongly that the Government should see the sense of withdrawing it for some time in order to give an opportunity to the Minister concerned to explain the facts to the Back-benchers. If the Government insists that they must go ahead with this Bill, I can assure them that they will come out with a big disappointment, because—I am entitled to threaten you here as a Member of Parliament—we are considering a matter here which should be gone into first by the Ministers and the Members before it comes to Parliament.

This afternoon, Mr. Speaker, Sir, we had questions dealing with settlement schemes elsewhere, Shimba Hills. It has been shown beyond any doubt that Government has just given the people the land and has not given them the facilities to develop that land. As a result of that the settlers abandoned the schemes. Now, Sir, it is no use just giving the land to the people; you have to follow them up and see what facilities and what help—

The Speaker (Mr. Slade): We cannot go into that now, Mr. Ngala. It is a question simply of what right Government shall have to recover payments that are overdue.

Mr. Ngala: I feel it is quite wrong for the Government to resort to take away land from settlers who are already settled. There are other methods in dealing with these 20 per cent. If we can come and sit round the table other methods can be devised, by which Government will be able to get their dues from the 20 per cent. However, we strongly reject land being acquired as payment in lieu of overdue payments. Since we are dealing with the minority group I hope the Minister or Assistant Minister responsible will see the sense of suspending this Bill for the time being.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I honestly

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who also clearly stipulated in the Act that those who are dissatisfied may go to court. One of the difficulties is that if these people, who have individual title deeds, there would be no problem; we would not even have to ask for this amendment to be passed, because then it would be quite possible to take the matter to court without resorting to any other arrangement. But in the settlement schemes at the moment, while the survey is still going on, and until individual titles are granted, you cannot take action on the normal basis.

Therefore, it is necessary to make this amendment. Now, Sir, the issue is one which is so narrow that we do not see this apparent effort to enlarge it into a policy debate on a matter which does not really appear in the amendment. I think the question which any Member who is going to support this amendment must ask himself, and in his conscience satisfy himself, is whether it is right that when a man has entered an agreement and promised to be paying instalments on an agreed basis, and he belongs to a group of people—in this case the settlement scheme—that the majority in the scheme should be paying regularly as required and the minority should not be paying, and that nothing should be done about those who do not pay.

Mr. Anyien: On a point of order, Mr. Speaker, I do not think the hon. Minister for Economic Planning has understood my point. I maintain that there is a chance for these people who refuse to pay to be taken to court and this is written in the Bill. So, the Minister should not say that I am saying that certain people should pay while others should not.

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the effect of killing the Bill and it will not be considered again, unless it is introduced again by the Government within six months. The way to defer consideration of a Bill is to move the adjournment of the debate on the Second Reading to another time.

Mr. Warilili: On a point of order, Mr. Speaker, if this amendment would amount to killing the Bill, does it set down any time limit when the Government can bring another Bill on the same subject?

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If the majority were indeed not paying then we would have had great sympathy for the argument that has been put forward by the Minister for Economic Planning. However, since it is only 20 per cent that are not paying, I think there is still time for us to suspend this Bill for six months and have a complete reconsideration of the matters.

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it has sympathy for the 20 per cent poor people who have various hardships that we do not know about.

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Mr. Ngala: I feel it is quite wrong for the Government to resort to take away land from settlers who are already settled. There are other methods in dealing with the 20 per cent. If we come and sit round the table other methods can be devised, by which Government will be able to get their dues from the 20 per cent. However, we strongly reject land being acquired as payment in lieu of overdue payments. Since we are dealing with the minority group I hope the Minister or Assistant Minister responsible will see the sense of suspending this Bill for the time being.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I honestly

[Mr. Anyieni]

to take a gun and shoot somebody. Is this what the Kenya Government wants to create? Mr. Speaker, we want to maintain one thing, that the present set-up should be maintained and because of that we say let Government withdraw this Bill, because I can almost guarantee that many of the hon. Members elected in this House are the true representatives of the people living in the countryside not the people in Nairobi only.

Mr. Speaker, I do not see why Government should be selling underdeveloped land to poor people found walking the streets and asking them to go back to the land. We feel that developed land is much more appropriate as far as the aspects for developing the land in concerned, but as things are today, Government sells underdeveloped land to the poor people. When the people begin demonstrations on the streets against the Ministry of Labour, the President comes on the radio he says, "Go back to the land". How can we come into this House and pass a Bill removing them from the land that they have been unable to pay for.

Mr. Speaker, I had mentioned something about the families which have settled on the land. I feel that if Government wishes to remove these people, I think that Government should make a law stating that if you have more than five children you cannot settle on the land and if you have five children you should be given more land because what happens Mr. Speaker, is that—

The Speaker (Mr. Slade): We are not discussing the distribution of land we are discussing only loan repayment.

Mr. Anyieni: Mr. Speaker, one thing is this, if a man has ten children and many people do have ten children who are settled on ten acres of land, the food that comes from the land does not enable the settler to pay the loan because the children will consume the food and as a result, Mr. Speaker, he will be unable to repay the loan, that is the reason why I am saying it.

The Speaker (Mr. Slade): This Bill deals simply with what is to be done about overdue payment it does not deal with who is to have land, what rights are involved in having land, how long they have to pay, it only deals with what happens to a man who does not pay when the money become due.

Mr. Makone: Is it not in order to explain the circumstances which lead to the inability of the settler to make these payments?

The Speaker (Mr. Slade): Yes, but only so far as relevant to enforcing payment. The question whether he should have more land is quite irrelevant.

Mr. Anyieni: Mr. Speaker, I would like to say that if the Government wishes to guarantee that there will be no defaulters—As a matter of fact our late Member, who was a specially elected Member did ask the Government to set up a Ministry for Co-operatives. If you will remember, Mr. Speaker, speeches were made in this House to the effect that people should be settled on the land in such a way, let us say that if Government gives 2,000 acres to a group of people, then the Government supervises this land and when the people on the land sell their crops Government will automatically take what these people are supposed to pay in the form of taxes to their county councils. These people, if they do not have anything, then the Government will also know they have to put up with reality. But the present set-up, Mr. Speaker, I think would be a betrayal of our people. As an elected Member, who was elected to represent my people in this House, including some on settlement schemes, I cannot support this Bill. Now, after having set up a Ministry for Co-operatives, we would like the Minister also to be able to carry out co-operative farming. This is one of the best ways of making sure that—

The Speaker (Mr. Slade): No, no, we are getting off the subject of the Bill. We cannot go into all that really, Mr. Anyieni.

Mr. Anyieni: Yes, Mr. Speaker. So, Sir, we cannot allow this Bill to go through and I say that it should be delayed for another six months, during which time discussions could be held with the Parliamentary group before the Bill is again brought here. The Back-benchers should be consulted and then a way can be found to make this Bill acceptable to the people in the country.

With those few remarks, I beg to second my hon. friend's amendment to delay this for six months.

(Question of the First part of the amendment, that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): Of course, since this amendment is bound up with the whole question of the survival of the Bill, we can debate on the Bill and not merely on the amendment.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I am intervening very early because I think it is important that those who are going to take part in this debate make speeches which are relevant to the Bill before the House.

The Minister for Economic Planning and Development]

"It may be very interesting, Sir, to discuss the whole question of land and land policy, but that is not at issue in the amendment before the House. It may be very interesting to discuss the whole of the poor people of this country, but that again is not at issue. It may be very interesting, here on or at some other time, to discuss the whole policy and relevance of settlement schemes as opposed to co-operatives, but that again is not at issue in this amendment."

What is at issue in this amendment is this: we have settlement schemes that are going on and have been going on for several years and many people have already been put into these schemes. When a person is selected for such a scheme, he knows the terms under which he is going to enter into the scheme, and he accepts the terms in writing. It is clearly explained to him when he goes into the scheme that he will be required to pay his responsibilities, one of which is that he will be paying annually so much until he has discharged the whole loan that has been given to him. The loan extends over a period of many years in fact, thirty years. I am told, Mr. Speaker, Sir, that it varies, and I understand, Sir, in fact, I know for certain, that none of it is below twenty years.

Now, Sir, this man, having accepted all these conditions, having been given the support in order to start farming, for the first few months he is paid by the Government, he is assisted to put up a hut or a house, he is assisted with the habits of all the extension services, for which the Government pays, he is assisted by the bringing of the water and other services to the site; now, Sir, having been given all these facilities, like any other member of the settlement scheme, this man fails to pay, when everybody else around him is paying. This is the question. Out of the total number of people in settlement schemes, 80 per cent are paying regularly, and it is only about 20 per cent who are not paying regularly, who are in arrears.

Now, Sir, the case being put forward by the hon. Member for Bassi-Majoge amounts to this—Majoge-Bassi or Bassi-Majoge. Oh, the hon. Member for Majoge-Bassi: I stand corrected. I do not know whether it is important!

The point, Sir, is this; and this is the issue before the House, not the other things being said about by the hon. gentlemen. The issue before the House, Sir, is that this House should now agree that the 80 per cent who are paying their loans regularly are not, in fact, doing the right thing; the 20 per cent who are not paying

are the people who belong to this country, who must be sympathized with. Now, Sir, the hon. gentleman cannot escape from this logical conclusion of what they are saying here. If you say that a scheme must be operated properly—and we are not here discussing the terms of the Act which controls the scheme, we are discussing merely the question of payments—if you say that a scheme must be run according to the regulations, to which every tenant has agreed, then you must tell us what you think we should do with the 80 per cent who are paying regularly.

Mr. Anyieni: On a point of order, Sir, the hon. Minister is all the time saying, "You must tell us", "you". Is he telling you, as the Speaker, or us, the hon. Members, that we must agree with him?

The Speaker (Mr. Slade): I think actually Mr. Mboya was forgetting that rule.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I thank the hon. Member, but he will not divert me from the point I want to make. The point I am making is that the hon. Member cannot have his cake and eat it. It is not possible for the hon. gentleman to say, on the one hand, that the scheme must be encouraged, that it must be expanded and, on the other, to say that it is quite all right for some members, a minority of the members, of the scheme not to pay and to ask the Government to sympathize with those who do not pay although the majority adhere to the terms of the scheme. That is the question which lies at the heart of the whole matter.

Now, Sir, it must be remembered by the hon. gentleman that the money we use in order to promote these schemes has either been provided by taxpayers or borrowed from outside Kenya. When we borrow money, we have an obligation to repay it. There is no country or government in the world which is going to give us money on loan and expect us not to repay it when the time comes. How do we pay back the money? Either the people on the scheme, who are taking advantage of the money, are called upon to repay it or the taxpayer in this country is called upon to pay for the minority of the people on the scheme who refuse to meet their obligations.

Sir, I use the word "refuse" deliberately because this Bill does not penalize a man who fails to pay because of adverse climatic circumstances. You cannot read this Amendment Bill in isolation from the Agriculture Act and regulations; and the regulations clearly stipulate that in administering the Act, where there are adverse climatic or other conditions, these are taken into account in administering the payment of instalments. It is

[Mr. Gichoya] new landless so-called settlers, now being settled by the Ministry of Lands and Settlement.

Now, Sir, it is wrong to tell the people that we are assisting you when at the same time the conditions for assistance is made so difficult that they will not gain anything after being settled. Now, Mr. Speaker, Sir, in order to allow other Members the opportunity to speak on this I say that this Bill should be kept in abeyance for six months. It has been a custom here that anything which is hereditary to our society, we are forced somehow to bless in this House, and now when we are settling these poor people in these settlement areas, the conditions for their settlement must be much more lenient than they would be under a different regime.

Secondly, Sir, it is the duty of the officers in the settlement schemes along with the agriculture officer, to persuade those settlers and show them the proper methods of farming so that they are capable of repaying whatever has been loaned to them.

Mr. Speaker, Sir, I beg to move.

Mr. Anyieni: Mr. Speaker, Sir, our Government, if I may be allowed to say so, is very deaf. It was very recently, Mr. Speaker, when a Member of this House introduced a Motion on Evictions and the Government did accept that Motion. Now, that day we were talking of evictions which came as a result of people who owned the land and thereby having squatters on the land which belongs to the people. Now, Mr. Speaker, Sir, if we agree to that question, I do not see why the Government should again introduce a Motion of this type because this Motion completely contradicts the first Motion. For the Bill here, this Motion is intended to remove those who have already been settled, some of the very poor people who have been settled in, for example, Nyardara, where the President has solved the problem of the landless former freedom fighters in places like this. Now, Government has gained a great deal after a few days and Government again asks this House to approve a Bill to evict these people from that land if these people are unable to pay for the land. Mr. Speaker, Sir, the reason why we do not want this Bill to go through this is because some of these pieces of land which were given to these poor people, perhaps ten acres, sometimes seven acres and sometimes twenty-five acres, some of this land is very tired and very unproductive, and as such you will find that sometimes, the new settlers may not be able to repay their loans on time.

Today when someone fails to repay his loan what happens is that someone is taken to court and he is charged, then the court rules that this person should be able to repay the loan, but now the Government, hon. Members, is asking us to give it power to go and evict somebody from the land, and take immediate possession of the land and give it to someone else.

Mr. Speaker, Sir, this is very dangerous because we know, for example, Mr. Speaker, Sir, in towns most of the traders are car traders who induce people, particularly poor Africans who do not understand very much about it to buy a motor vehicle. They persuade them to come and deposit about Sh. 5,000 then after two months the man fails to repay, the motor trader takes back the car, sells it again to another man, another African. Now, if this is what the Government is trying to put in the question of land then we want to tell Government that it is looking for too much trouble, because people who have been settled, for example, in my district, Mr. Speaker, for people who have been settled on ten acres of land they are supposed to deposit Sh. 1,700. These people are supposed to be very poor people but they are supposed to Sh. 1,700 so they go around asking me for money and other Members for money to be able to pay a deposit so that they can be settled on the land. Then as soon as they have been there for a few months then it is the Monday that they have to pay.

Now, Mr. Speaker, Sir, here the Government is asking us to say that if after the short period that they are given they are unable to pay then Government comes back, takes them off the land, and then Government introduces new people on the land again. So the circle will continue to run like that bringing people in, and if they fail to pay then they will be removed. Mr. Speaker, Sir, I see that my hon. Minister for Justice is trying to shake his hand. The Minister for Justice, Mr. Speaker, Sir, if I may say so, is the Member for Nairobi Central. This problem is not very big in Nairobi Central.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, would the hon. Member disclose which Ministry he is talking about?

Mr. Anyieni: Mr. Speaker, Sir, I am sorry, you see I have not acquainted myself very much to the new set-up and I hope the former Minister of Justice is not ashamed of being referred to as the former Minister of Justice.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, I would like your directions

[The Assistant Minister for Economic Planning and Development]

whether I am referred to in this House as the former Minister for Justice or whether as Minister for Economic Planning and Development. I think I belong to the new and not the old.

The Speaker (Mr. Slade): It is usual form to refer to an hon. Member by his present office rather than his past one unless his past office sometimes become relevant to a discussion. It may be of some importance to what is said that a Minister who holds an office today did hold another office, previously, and if so is quite in order to refer to that.

Mr. Anyieni: I never intended actually to upset my hon. Minister, actually what happened, Mr. Speaker, is that I have known my hon. Minister for a long time as the Minister for Justice and Constitutional Affairs and so today I was referring to him as the former Minister for Constitutional Affairs and now the Minister for Economic Development, so I hope the Minister does not take offence, because it was not done intentionally.

Mr. Speaker, I have not forgotten what I was saying it was a very bad settlement, it will be a place where you settle somebody and when he fails to pay, you remove him, then you settle another man when that man fails to pay, you remove him and settle another man. So, our country does willingly maintain the Ministry of Land Settlement for millions of years. We thought that the Ministry of Land Settlement would be temporarily set up during this transitional period where the land is being exchanged from the hands of the white settlers into the hands of poor African people who are landless. Now, Mr. Speaker, if the hon. Members here allow this Bill through the House, they are actually signing trouble for themselves which they will be faced with when they go to their constituencies.

Mr. Speaker, for example, I knew some people who are settled at Litego, now these people, Mr. Speaker, were given a loan and they bought cattle. I have raised this question in the House before, Mr. Speaker, and you may remember, that someone came and took all the cattle that these people bought with the loan they were given. Now, the Government says, "we do not care what happened to you, whether somebody took the cattle or not, we want you to pay your money this month" and so it is settled like that, it will not even be taken to a point where it will have to be explained before a magistrate, the reasons why they have failed to pay, I think,

as the case is today, Government will have power to remove that man immediately from the shamba. How can we allow this? How does Government expect a person, like myself to accept a Bill like this to go through when it will be at the expense of the people who have elected me to this House. Mr. Speaker, if the Government wants this Bill to work let them make it this way, that the people of second class, people who have bought above one hundred acres of land, the richer people who have thousands and thousands of acres of land they should be able to be removed so that land can revert to the poorer class. But, we are not going to allow a situation whereby a person who is very poor, who has no land, coming from Nairobi, who has listened to the spirit of Harambee and to the call by the President of the nation that he should go back to the land and when he goes back to the land he has nothing. He has been running around here in Nairobi looking for somebody to give him one shilling, so he can have some food to eat, he goes back to the land and as soon as he goes back to the land Government starts demanding that he gets some money to pay for the loan. The poor man is not experienced he has never been a farmer. Some times, a man is settled, on a farm of ten acres and he has ten children, now the food that he can produce from the land is not enough to repay this loan which Government requires him to pay.

Mr. Speaker, it is very important that the present set-up should be maintained. Why do we say that the present set-up should be maintained? When these men, the new settlers fail to pay these loans he has got a chance of appealing before a magistrate so that he can explain the reason why he was unable to pay. For example there may have been drought, when there is drought his crop will not flourish he can go to the magistrate and tell him and then the magistrate can tell him all right you go next year we hope that there will be rain and then you can come back and pay, but if we give the Government power, — if the Minister or the Assistant Minister understand the problem they may be able to sympathize with the new settlers, but, Mr. Speaker, once we have made this law, but the people who execute the law will say, "Have you paid? You were supposed to pay yesterday, all right, off the land".

If this man, Mr. Speaker, has got, let us say ten children and he is kicked off of the land where does he go? This provision made here, is that going back to the land? This man is going into the streets and eventually he is going

Mr. Gachago: I did not catch the question, Mr. Speaker.

The Speaker (Mr. Slade): If hon. Members would sit quietly we should hear what Mr. Kerich says.

Mr. Kerich: Mr. Speaker, Sir, may I repeat my question? I asked whether the Assistant Minister was aware that I have expressed very strongly to this House again and again that Muhoroni is part of Kipsigis and, therefore, the Luo should not be settled there?

The Speaker (Mr. Slade): That has nothing to do with this question.

Mr. Agar: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell this House who is in charge of Lembwe Settlement Scheme?

Mr. Gachago: Mr. Speaker, Sir, if the hon. Member implies that there is a settlement scheme in Lambwe, it is not my business to tell him whether there is such a scheme or not. I may not have visited Lambwe, because my Ministry has nothing to do with Lambwe.

Mr. Khasakhal: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House how many settlers the Ministry intends to settle at Muhoroni Settlement Scheme where the Ministry is going to spend a sum of £134,945?

Mr. Gachago: Mr. Speaker, Sir, the number of people at the moment settled in Muhoroni is 712 and we anticipate that another 716 people will be settled there.

Mr. Mwanamandi: Mr. Speaker, Sir, since Lambwe Valley is not a scheme can the Minister agree with me that this particular Lambwe Valley, not being a scheme, the question is brought illegally to this House?

Mr. Gachago: Mr. Speaker, Sir, there I cannot agree and if the hon. Member thinks that I should, I do not even agree.

Mr. Murgori: Mr. Speaker, Sir, in view of the fact that I have personally seen a Government form for the application for the settlement scheme at Lambwe Valley could the Minister tell us why he is denying a settlement scheme in Lambwe Valley run by Government?

Mr. Gachago: Mr. Speaker, Sir, if the hon. Member has filled in a form applying for a piece of land in Lambwe Valley Settlement Scheme, then the hon. Member should be telling us where the settlement is and who manages it. But, Mr. Speaker, I represent the Ministry of Lands and

Settlement and, as I have stated, the Ministry of Lands and Settlement is not aware of any settlement scheme in Lambwe Valley.

Question No. 727

ADVERSE TRADE BALANCES WITH KENYA

Mr. Obok (on behalf of the Member for Kisumu Town, Mr. Jamal) asked the Minister for Commerce and Industry:—

(a) How many countries had unfavourable trade balances with Kenya as at 31st December 1964; and

(b) what plans the Government had to restrict importation of goods from such countries.

The Assistant Minister for Commerce and Industry (Mr. Ole Oloitiplip): Mr. Speaker, Sir, I beg to reply.

There were thirteen countries which had unfavourable trade balances with Kenya by the end of last year. My Ministry is very much concerned about these trade imbalances and it is anxious that our country should enjoy favourable trade with other countries. It is not, however, Sir, intended at present to impose trade restrictions purely on grounds of imbalances alone. Before one country resorts to this action against other countries, other considerations have to be taken into account as trade imbalances are not the only criterion for trade restrictions.

Mr. Anyleni: Mr. Speaker, Sir, is the Assistant Minister aware that Japan exports to our country goods worth more than £10,000,000 and our country exports to Japan goods worth less than £3,000,000? What steps is the Government taking to control this situation, and my the Assistant Minister tell us why Government is not doing anything?

Mr. Ole Oloitiplip: Mr. Speaker, Sir, I said already that thirteen countries are already involved in this matter, not only Japan. The United Kingdom, Australia, Nigeria, Bahrain, for the information of the Members, Sir, Hong Kong, India, Pakistan, Belgium, Czechoslovakia, France, Italy, Japan, Switzerland and the United States of America. But, Sir, we must appreciate that the fact that we have to buy all the capital goods necessary for our development schemes from these countries, like all other developing countries which are primarily committed to producers, we are bound to have some adverse balance of trade for some time to come. If we introduce any legislation aimed at restricting imports from countries, we shall be accused of having taken discriminatory measures in terms of international trade

(Mr. Ole Oloitiplip) and this is going to involve some retaliatory measures against us, especially by countries with whom we have a favourable trade balance.

The answer to our problem, Sir, is therefore not to be found in trade restriction, but in our endeavours to create an overriding market in which all can buy and sell, and in these places we shall be able to find outlets for our products. The other aspects, Sir, for example, development aid, which a country like Britain may give to Kenya for retaining a favourable trade balance with her.

Mr. Anyleni: On a point of order, Sir, is it in order for Government to give contradictory statements to Members of Parliament and outside this House, because there was a time when this question was raised, Mr. Speaker, to the Minister for Commerce and Industry. This Minister gave us an assurance that Government had—

The Speaker (Mr. Slade): It is quite in order, as far as Standing Orders go, for the Government to contradict or appear to contradict what has been said by Government on another occasion. It is in order for Members to draw attention to this, but not as a point of order.

Mr. Kall: Mr. Speaker, Sir, in view of the fact that there are only thirteen countries with which we have had adverse trade balances and the world is so large, and as we have products like coffee, tea, sisal, can the Minister assure this House that the Government will only trade with the countries which buy our produce?

Mr. Ole Oloitiplip: Mr. Speaker, Sir, I cannot assure the House that the Government would trade only with the countries which buy our produce, but, Sir, we are trying our level best to persuade most of the countries who do not buy our produce to buy it.

Question No. 799

MILK DISTRIBUTION IN MOMBASA

Mr. Balala asked the Minister for Agriculture and Animal Husbandry if he could tell us how many milk distributors there were in Mombasa under the Kenya Co-operative Creameries responsible for supplying small milk shops with milk.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogor): Mr. Speaker, Sir, I beg to reply. There are no milk distributors in Mombasa under the Kenya Co-operative Creameries for supplying milk to small milk shops, but there are thirteen dairies in Mombasa

licensed by the Kenya Dairy Board and the Mombasa health authorities which are supposed to supply milk to the small shops.

WITHDRAWAL OF MOTION ON THE ADJOURNMENT.

BAN ON PUBLIC MEETINGS IN MURANG'A

The Speaker (Mr. Slade): We will now go onto the next order, but before doing so, I refer hon. Members to the note on the Order Paper which reminds them that Mr. Kagga is to raise a matter on the adjournment today. I have since heard from Mr. Kagga that he does not wish to pursue that matter, having agreed with the Minister to try and seek satisfaction outside the House. Would you confirm that you wish to withdraw it?

Mr. Kagga: Mr. Speaker, Sir, I would like to withdraw the Motion as I have agreed with the Minister to settle the matter outside the Parliament.

BILL

Second Reading

THE AGRICULTURE (AMENDMENT) BILL

(Minister for Lands and Settlement on 3rd March 1965)

Amendment:

THAT the word "now" be left out of the Motion and there be added at the end thereof the words "upon this day six months".

(Mr. Gichoya on 3rd March 1965)

(Resumption of Mover's speech on the amendment interrupted on 3rd March 1965)

The Speaker (Mr. Slade): Before I call Mr. Gichoya to resume his speech, I would like to remind hon. Members that he is in the process of moving an amendment of the Motion for the Second Reading by deleting the word "now" and by adding at the end of the Question the words "upon this day six months hence".

Mr. Gichoya: Mr. Speaker, Sir, the intention of keeping this Bill in abeyance is to give the Government of Kenya an opportunity to settle it itself and then, if we can, consider more thoroughly the ways a Bill like this could assist the African settlers. I have been objecting, Sir, to the question of smallholders being called settlers and being put in a very embarrassing sort of arrangement or humiliating arrangement by the Government. Previously the settlers who used to own estates were not being pursued so much as the

[The Assistant Minister for Natural Resources] local authorities are in agreement with the general proposal.

The Speaker (Mr. Slade): We will now go back to Mr. Mbogoh.

Question No. 915

CHILDREN'S DEATH AND EMBU CHILD WELFARE SOCIETY

Mr. Mbogoh asked the Minister for Health and Housing if the Minister could tell the House the cause of the death of seven children in the home of the Kenya Child Welfare Society at Embu during the first week of January this year.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to apologise for coming in late.

Mr. Speaker, Sir, I beg to reply. My Ministry is trying to do everything possible within the limited financial provisions to improve facilities at Embu Hospital in accordance with my Ministry's policy—

The Speaker (Mr. Slade): I think you are on the wrong question. It is Question No. 915.

Mr. Moss: Mr. Speaker, Sir, I beg to reply.

According to my information the seven deaths which occurred in the home of the Kenya Child Welfare Society at Embu during the three months, November, December and January, were in the first place malnutrition and pneumonia. The second was bronchial pneumonia. The third and fourth cases were measles after malnutrition. The fifth case was also bronchial pneumonia. The sixth case was gastro-enteritis. The seventh case was malaria.

Mr. Mbogoh: Mr. Speaker, Sir, does the Assistant Minister agree with me when I say that these deaths were caused by negligence, by the refusal of the Medical Officer of Health in the district to attend this Embu Child Welfare Society home? He left a private doctor and sisters trained by missionaries there with no Medical Officer of Health to help?

Mr. Moss: Mr. Speaker, Sir, I think the hon. Member's allegation is very untrue, because always such cases are due to lack of proper care by the parents of their own children. This is why they are normally sent to such places, what we call, Child Welfare Centres or Homes, and by then it is often too late.

Mr. Mbogoh: Mr. Speaker, Sir, will the Assistant Minister then tell this House what they are

doing to prevent such deaths from occurring for the second time?

Mr. Moss: Mr. Speaker, Sir, regarding that question, I must tell the hon. Members that we have put up a children's ward at Embu which is nearly ready now. Very recently the Right Hon., the President, Jomo Kenyatta, was generous enough to offer a donation out of his own pocket of about £3,000 to aid the ward's completion. The ward is almost ready now and very soon it will be used.

Mr. Mallinda: Mr. Speaker, Sir, assuming that these children did not die on arrival at this home and also taking into account the fact that these are homes where children are looked after, will the Assistant Minister agree that what the hon. Member suggested was true, that these children died as a result of negligence on the part of his Ministry's doctors?

Mr. Moss: Mr. Speaker, Sir, I think my answer remains the same as before. We are not going to answer questions on assumptions.

Mr. Ekeltala: On a point of order, Mr. Speaker, could the Assistant Minister tell me now who—

The Speaker (Mr. Slade): You had better not raise any more points of order or you may find that you will be sent out of the Chamber.

Question No. 916

EMBU HOSPITAL: IMPROVEMENT IN SERVICES

Mr. Mbogoh asked the Minister for Health and Housing:

(a) what the Ministry had done to improve the services of Embu Hospital which were so inadequate that patients preferred to go to private doctors?

(b) could the Minister tell the House why in this hospital patients' rations had to be cut during the month of January.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry is trying to do everything possible, within the limited financial provision, to improve facilities at Embu Hospital, in accordance with my Ministry's policy of trying to provide uniform improvement in all hospitals run by this Ministry in the Republic of Kenya.

(b) According to my information, there has been no cut in the rations issued during the month of January.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, can I take it that cut in rations for

[Mr. Mbogoh] patients was not issued by the Ministry but by the dressers who are running the hospital?

Mr. Moss: Mr. Speaker, Sir, the position remains the same. It is true that, according to my own record, the rations issued in December 1964 to January 1965 were identical and consisted of: 1 lb. beans; 9 lb. maize corn; 22 lb. maize meal; 20 lb. meat; 5 lb. rolls for soup; 14 lb. liver; 1 lb. onions; 32 pints fresh milk; 30 lb. potatoes; 9 lb. rice; 2 lb. salt; 8 lb. sugar; 20 lb. green vegetables; 1 lb. tea; 3 lb. jaggers; 3 lb. wimbi; 6 lb. cheese; 1 lb. curry powder. Therefore, Mr. Speaker, this allegation is untrue.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the repeated warnings to the Ministry that there was some swindling going on in this hospital, does the Assistant Minister then pledge his Ministry to investigate his swindling in the hospital, and report it accordingly?

Mr. Moss: Mr. Speaker, Sir, I will not deny an investigation into what we call "allegations", whenever necessary and should we find it true that there has been any swindling in any hospital, it will be our duty at the Ministry to make sure that such things do not happen any more.

Mr. Gichoya: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, is he now prepared to accept written documents by the members of Embu District quoting the incidents, so that he will accept the allegations and carry out an investigation?

Mr. Moss: Mr. Speaker, Sir, that is simple. I will accept the written documents.

The Speaker (Mr. Slade): Next question.

Mr. Oboko: Mr. Speaker, Sir, on behalf of the Member for Kisumu, may I be allowed to ask Question No. 927?

The Speaker (Mr. Slade): It can be asked at the end.

Question No. 936

TAKE-OVER OF ROADS, SOUTH NYANZA, BY MINISTRY OF WORKS

Mr. Malsori-Iumbo asked the Minister for Works, Communications and Power when the Ministry of Works would take over the roads Kehacha Nyahaka and Ntumor, as the South Nyanza County Council was not in a financial position to run them.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I

beg to reply. The Government do not intend to take over the roads Kehacha Nyahaka and Ntumor or any other roads from the South Nyanza County Council.

The roads in question are minor roads solely under the jurisdiction of the county council.

If the hon. Member wants any further information he should consult his county council.

Mr. Malsori-Iumbo: Mr. Speaker, Sir, my argument is that the county council is in a difficult financial position, therefore can the Minister not authorize the Regional Road Authority to take over these roads and run them?

Mr. Mwanjumba: Mr. Speaker, Sir, if the hon. Member was helpful to his county council, he would persuade members of that county to pay cordially to the county council so that they have sufficient revenue to maintain these roads.

Mr. Masinde: Mr. Speaker, Sir, arising from that reply, could the Minister assure this House that, if the people have paid their rates fully to the county council, and yet they are still short of the finance for the jobs to be done, he will take over these roads if the county council fails to operate them?

Mr. Mwanjumba: No, Sir.

Question No. 939

MONEY SPENT ON SETTLEMENT SCHEMES

Mr. Agar asked the Minister for Lands and Settlement if he would inform the House how much money had been spent by the Government on settlement schemes at:—

(a) Lambwe Valley;

(b) Muhoroni Settlement Scheme, between June 1964 up to date?

What amount of money had been given as a loan to each farmer in the scheme?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry of Lands and Settlement does not operate and is not aware of any settlement scheme at Lambwe Valley.

(b) A sum of £134,945 has been spent on Muhoroni Settlement Scheme between June 1964 and February 1965.

Each settler on the schemes is given £185 land loan and £215 development loan.

Mr. Kericho: Mr. Speaker, Sir, it has been expressed again and again in this House that Muhoroni is Kipsigis land.

[The Minister for Information, Broadcasting and Tourism]

House that, under the Constitution, complete freedom of expression is guaranteed to the Press in Kenya. The Press is fully aware of the Government's policy on nation building and have been advised to be constructive in their reporting. The final decisions as to what is to be published rests entirely with the editors of the newspapers. They have also to consider whether the news is of value, educative and marketable.

Mr. Kericho: Mr. Speaker, Sir, could the Minister agree with me that he has told the Pressmen from *Baraza*, *East African Standard*, *Daily Nation* and *Taiifa* to sing only the tunes of the Ministers?

Mr. Achleng-Onoko: Mr. Speaker, I think that is a misleading question. Really, my answer stands as the one I have just given. It is entirely no.

Mr. Mbogoh: Mr. Speaker, do I understand that some papers belong to certain Ministers and these papers have pledged to give publicity to the Ministers only?

Mr. Achleng-Onoko: Mr. Speaker, if this remark had been in the nature of an ordinary remark I would have asked the hon. Member to substantiate. However, because it is such an important question, I would like to inform the House that I have no knowledge whatsoever of a Minister or an Assistant Minister owning or having shares in any of the leading newspapers in Nairobi.

Mr. Ochwada: Mr. Speaker, would the Minister tell the House whether—by suggesting that the Press should only publish a statement when they think it is "nation-building"—he means that only statements made by Ministers and Assistant Ministers are nation-building and this does not apply to other Members of Parliament?

Mr. Achleng-Onoko: Mr. Speaker, when I referred to the policy of nation-building I did not intend to say that is what they are required to do. That is the policy which, of course, every Member of this House is interested in and also responsible for.

The newspapermen will also have to take into consideration whether the news is marketable, not too repetitive, because as it is known, some Members do repeat themselves.

Mr. Warthithi: Mr. Speaker, can the Minister tell the House why it is that when there are public meetings and at these meetings you have a Minister and other Members of Parliament, the

only speeches reported are those made by the Ministers and usually there is not even a mention that there was a Member of Parliament present?

Mr. Achleng-Onoko: Mr. Speaker, Sir, that is untrue.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for a Minister to continue denying that only Ministers' speeches are reported in the newspapers when it is true? Is it, therefore not in order for hon. Members to go to the library to bring newspapers to substantiate this?

The Speaker (Mr. Slade): Of course, it is in order for a Minister when answering questions to say, yes, or no. He can also say whether it is true or untrue. It is equally in order for hon. Members to adduce material by way of supplementary questions to suggest that the Minister is wrong.

Mr. Achleng-Onoko: Mr. Speaker, I was going to elaborate on that, because I can also produce a report where Members of Parliament have been mentioned in the newspapers as well as on the radio.

Mr. Kagula: Mr. Speaker, as the Minister has said, that it is untrue, could he answer and tell this House why at the two meetings we had, one in Nanyuki, and other one in Nyeri last month, which he attended, no other speaker was reported except him?

Mr. Achleng-Onoko: Mr. Speaker, Sir, the reporting of that particular meeting referred to was given full coverage on the radio, but what the newspapers did with their reporting, because most of the newspapermen were not at Nanyuki, is not my responsibility or of my Ministry.

Mr. Anyleni: Mr. Speaker, Sir, if it is true that there is no pressure, could the Minister give an account of one meeting which took place in Mumaga's, where the papers and radio reported that there were 20,000 people present, and they issued an apology the following day stating that there were only 2,000 people?

Mr. Achleng-Onoko: Mr. Speaker, I think that is a different question altogether, because that was referring to the number of the people who attended the meeting and not the reporting, and I think these are two different questions.

Mr. Ngala-Aboki: Will the Minister agree with me that it is only natural and internationally true that the foreign press, or the press in an independent country run by foreigners, will always have interests of the Ministers at heart?

Mr. Achleng-Onoko: That is not true, because although we have some newspapers here which are partly controlled by outside businessmen or overseas businessmen, they are serving the country very reasonably.

Mr. Ngala: Mr. Speaker, Sir, would the Minister give this House an assurance that a pressman, who in his opinion, thinks that the nation is being built wrongly, would have every freedom to express his opinion without him sitting on him?

Mr. Achleng-Onoko: I am not going to give that assurance.

The Speaker (Mr. Slade): I think hon. Members have had quite a good run on this question. We will go on now.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 812: PRESS STATEMENTS BY MEMBERS OF PARLIAMENT

Mr. Anyleni: May I be allowed, Mr. Speaker, to raise this matter on an adjournment, at the earliest possible time?

ORAL ANSWERS TO QUESTIONS

Question No. 821

CO-OPERATIVE OFFICERS IN KERICHO DISTRICT

Mr. arap Sol asked the Minister for Co-operatives and Marketing:—

(i) How many Co-operatives Officers were operating in Kericho District?

(ii) Why Co-operatives Societies had been formed in the district?

The Minister for Co-operatives and Marketing (Mr. Ngel): Mr. Speaker, Sir, I beg to reply.

There is one Co-operative Officer operating in Kericho District.

Secondly, it is the Government's stated policy to encourage Co-operative Societies throughout the country, and this policy is being vigorously pursued in Kericho District.

Mr. arap Sol: Would the Minister explain to the House which officer he means, because the officer who was stationed at Kericho has been transferred to Nakuru?

Mr. Ngel: Mr. Speaker, Sir, the Co-operative Officer now operating in Kericho District is an officer of the Department of Co-operative Development, but he is financed by the Department of Settlement. At present, he is stationed

11-16 pp.

at Kisumu, but he is shortly to move to a house on the Sotik Settlement Scheme which is being provided by the Department of Settlement. He was posted to Kericho in August 1964 to succeed another Co-operative Officer who left for training courses overseas.

Mr. arap Sol: Mr. Speaker, Sir, if the officer he mentions is coming to work specially on the settlement scheme, does he agree with me that the co-operatives will not be formed at the same speed in other parts of the country, or in the reserves, as on the settlement schemes?

Mr. Ngel: I do not know what the hon. Member means when he says "reserves", whether he means settlement areas, or the African Land Unit. But, I have stated very clearly that this Co-operative Officer is at the moment in Kisumu, and will be moved very shortly to Kericho. As to how the Co-operative Societies are going to be formed, will depend on the manpower and ability of the Ministry for Co-operatives and Marketing.

Question No. 824

GALANA RIVER GAME SCHEME

Mr. Komora asked the Minister for Natural Resources if the Minister had any plans to expend and maintain satisfactorily the Galana River Game Management Scheme for the purpose of its present revenues?

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

The Galana River Game Management Scheme was initially started four years ago, with the grant of £10,000 from the Nuffield Foundation. It was intended as an experiment in the employment of Members of the Waliangu tribe on organized game management schemes. The experiment has been successful in that, in addition to supporting an average of seventy-five families, it also maintains two game wards. The scheme covers an area which has extensive parts of grass land in the centre. It is considered that this area can be more fully and profitably exploited in a combined scheme in cattle ranching as well as culling of game.

Such an extend scheme, with its commercial implications, can best be run by a commercial firm, and we, therefore, intend to put the scheme to a commercial enterprise, subject to conditions which will ensure that the best interests of game preservation are protected. The details of these conditions are still being worked out, and the

The Speaker (Mr. Slade): That is not a point of order, but we will treat it as a supplementary question. Can you answer that, Mr. Mos?'

Mr. arap Moi: I do not want to go into the pros and cons. That is a figure I have given to the Members.

Mr. TAAHI: Mr. Speaker, Sir, could we be told by the Minister why, when you buy these carvings from the Prisons Department, they are more expensive than the carvings that are sold by the private men in the streets?

Mr. arap Moi: Mr. Speaker, Sir, in reply to that question, I would like to enlighten the Members of this House that the articles and items produced by prisoners are of the best quality and they are sold at the same price.

The Speaker (Mr. Slade): We will now go onto the next question.

Mr. Mhogoh: Mr. Speaker, Sir, I beg to ask Question 915.

The Speaker (Mr. Slade): We will go onto the next question, as the Minister is not here, and hope that the Minister will be here later.

Mr. EKITELLA: Mr. Speaker, my point of order is this: Is it in order when a Member puts a question in this House, for the Minister not to be present.

The Speaker (Mr. Slade): Order, I have on many occasions answered that point of order; there is no Standing Order in this House which compels a Minister to be here to answer questions. Of course, whenever there is no one here to answer a question, the House can register dissatisfaction in various ways; very often, though, we give Ministers time to come later as with Back-benchers who have not been here to ask their questions but we find these here before we reach the end of the questions.

Question No. 814

NANDI SETTLERS IN THE SHIMBA HILLS

Mr. Mwanzandi asked the Minister for Agriculture and Animal Husbandry to tell the House:

- The number of Nandi settlers in the Shimba Hills Settlement Scheme who had abandoned their *shambas* and gone away?
- Why they had decided to leave the scheme?
- Had they already repaid the loans granted to them under the scheme?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply, the answer to the first part of the question is ninety; to the second part of the question, for health reasons and also due to the opening of settlement schemes in the Nandi area, making it possible for them to acquire land nearer home. There was also the difficulty of keeping livestock, with tsetse fly and shortage of milk. And to "e", all loans lent by the Government have been repaid before the Nandi settlers left the schemes, as no farm would have been exchanged by settlers who have loans outstanding.

Mr. Mwanzandi: Mr. Speaker, Sir, is the Assistant Minister aware that the reason many people left their *shambas* is not for health reasons, but because of the inadequate help they get from the Government?

Mr. Osogo: Mr. Speaker, Sir, I am not aware of this, because I am satisfied that they get adequate help from the Government.

Mr. Mwanzandi: Mr. Speaker, Sir, is the Minister aware that they get only a loan for two acres— They only are assisted on two acres?

Mr. Osogo: Mr. Speaker, Sir, is the hon. Member asking whether these people are given loans on only two acres of their land?

The Speaker (Mr. Slade): Would you like to elaborate your question, Mr. Mwanzandi?

Mr. Mwanzandi: Mr. Speaker, When a man goes to the Shimba Settlement Scheme, the Government is only helping the people with two acres, is he aware of that, or is he not?

Mr. Osogo: Mr. Speaker, Sir, some of the farmers in this area were given adequate aid in the form of oxen, farm implements and poultry. Because of poor repayment of this loan, this was stopped sometime back.

Mr. Masudhi: Arising from that reply, is the Assistant Minister aware that, as it is generally elsewhere, the loans given to many settlers are not enough in relation to the plots given; Loans given to develop only two acres on a plot of ten acres?

Mr. Osogo: That question is not my concern. Mr. Speaker, this particular settlement scheme happens to come under my Ministry but loan schemes for other settlement areas is not the concern of my Ministry, but Mr. Speaker, I will assure the hon. Members that loans given to this particular settlement scheme were sufficient and are managed by the Administration and my Ministry.

Mr. Omeri: Mr. Speaker, Sir, if the Assistant Minister holds that reason why these settlers are abandoning their settlement schemes, has he not thought of these settlers with other people who are prepared to take over, not considering the distance from Shimba Hills Settlement Scheme to their former homes?

Mr. Osogo: Yes, Sir, My Ministry is considering this point at the moment and if there are applicants who can bear the difficulties that these settlers have run away from we shall definitely settle them in this area.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies given by the Assistant Minister, is he aware that the two acres, that the settlers are usually helped with by his Ministry to enable them to clear the land, are completely destroyed then by elephants around this settlement scheme, and his Ministry has done nothing to protect the farms?

Mr. Osogo: Mr. Speaker, Sir, we in the Ministry, are aware of the destruction caused by wild game and we are doing all we can to negotiate with the Ministry of Natural Resources to try and control the animals.

Mr. Ngala: Arising from the statement that the Minister is aware of this destruction which is the cause of these people abandoning their farms, can we know when the Minister will facilitate negotiations with the hon. Minister, who is sitting on the same bench, to alleviate the position?

Mr. Osogo: At no time, Sir, have I suggested that the cause of these people abandoning their farms has been caused by wild animals, but we are sure that animals are destroying crops in many parts, not only in this area. At present we are negotiating with the Ministry of Natural Resources and, of course, the negotiations will depend on how much money we have to give to the Ministry of Natural Resources to try and keep the animals fenced in. Now, this, of course, as the hon. Members know, depends mostly on the finances that Government has. However, if the hon. Member is suggesting that my Ministry should go shooting the wild animals which would cripple an industry which is so important to the Ministry of Natural Resources, then this should be suggested to us.

Question No. 843

AFRICANIZATION: POSTS IN THE MARIAKANI MILK PLANT

Mr. Mwatama asked the Minister for Agriculture and Animal Husbandry if the Minister could tell the House when the posts of

Manager and Assistant Manager of Mariakani Milk Plant would be Africanized.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The posts of Manager and Assistant Manager of the Mariakani Milk Plant will be localized when suitable local officers are available.

Mr. Omar: Arising from the reply by the Assistant Minister, Mr. Speaker, could he tell us what qualifications are required for the posts of Manager and Assistant Manager for the Mariakani Milk Plant?

Mr. Osogo: One must be qualified in dairy work to qualify for these posts.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, the Assistant Minister replying to the question said that these posts would be "localized" but the word in the question is "Africanized". Do we understand that there is no difference between the words "localized" and "Africanized"?

The Speaker (Mr. Slade): Order, order. That is not a point of order. It can be raised by way of supplementary question if you are called.

Mr. Ngala: Arising from that reply, Mr. Speaker, can the Assistant Minister tell us when the African who is understudying the Manager of the Mariakani Milk Plant can take over because he has been there far too long?

Mr. Osogo: Mr. Speaker, we have a student at the Egerton College now studying the science of dairy work and he will come in June next year.

Mr. Ngala-Abok: On a point of order, you say that I might raise a supplementary question?

The Speaker (Mr. Slade): If you are called.

Mr. Ngala-Abok: Yes, Sir, if called upon.

Question No. 812

PRESS STATEMENTS BY MEMBERS OF PARLIAMENT

Mr. Kerich asked the Minister for Information, Broadcasting and Tourism whether Pressmen had been put under pressure not to publish statements made by Members of Parliament.

The Minister for Information, Broadcasting and Information (Mr. Achieng-Onoko): No, Sir. No pressure has been brought to bear on Pressmen not to publish statements made by Members of Parliament. I have repeatedly reminded this

[The Assistant Minister for Internal Security and Defence] fighting for secession. They have finally abandoned this question.

It is suggested that perhaps our Intelligence Service is either faulty or does not know what is going on. Our Intelligence Service is doing its best and I would suggest that this Service depends upon every man and woman in this country to do his job properly; and particularly hon. Members who happen to know who the culprits are, who the criminals are, where they are; they should bring this information to the right quarters. We will destroy them without mercy.

Platoons of the General Service Unit were sent to the Samburu area very recently and extra police were added to the ordinary police force already there. In addition twenty-four extra Tribal Police have been employed. We do not want to do anything without good reason. We want to hurry slowly and get good results. If hon. Members can help us, we will do everything possible to help you. Every loyal citizen of Kenya is entitled to the maximum protection under the law, and protective measures are being taken, Mr. Speaker, Sir, in that area and for everybody else.

Also, Mr. Speaker, the House may be glad to know that there were a number of police posts which have been closed.

Hon. Members: Why? Why?

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Because the General Service Unit were being taken elsewhere. Now these police posts, including one at a place called Serolevi, are to be reopened. Plans for the re-establishment of a police post at Serolevi are already agreed upon. The only thing which the Government is waiting for is money and as soon as this money is available it will be reopened. I must say that the Government is determined to protect the Samburu in the same way as anybody else. Whatever happens, we shall protect them.

ADJOURNMENT

The Speaker (Mr. Slade): Order, order. We have had half an hour for this discussion and we must conclude now.

The House is adjourned until tomorrow, Thursday, 4th March, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 4th March 1965

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:

Agreement on Technical Co-operation between the Government of Kenya and the Government of the Socialist Federal Republic of Yugoslavia.

Agreement on Technical Co-operation between the Government of Kenya and the Government of the United Arab Republic.

Agreement on Scientific and Technical Co-operation between the Government of Kenya and the Government of Czechoslovak Socialist Republic.

Agreement between the Government of Kenya and the Government of the Polish People's Republic on Scientific and Technical Co-operation.

Agreement between the Government of Kenya and the People's Republic of Bulgaria concerning Scientific and Technical Co-operation.

Agreement on Technical and Scientific Co-operation and Mutual Assistance between the Government of Kenya and the Government of the Hungarian People's Republic.

Agreement for Economic and Technical Co-operation between the Government of Kenya and the Union of Soviet Socialist Republics on the establishment of industrial and agricultural enterprises and projects.

Agreement between the Government of Kenya and the Government of the Federal Republic of Germany regarding Technical Co-operation.

Agreement concerning Economic and Technical Co-operation between the Government of Kenya and the Government of the People's Republic of China.

Agreement between the Government of the Republic of Kenya and the Government of the Republic of Italy relating to Scientific and Technical Co-operation.

[By the Minister for Home Affairs (Mr. arap Moi) on behalf of the Minister for Economic Planning and Development (Mr. Mboya)]

ORAL ANSWERS TO QUESTIONS

Question No. 907

SALE OF PRISONERS' WORK,

Mr. Lorema asked the Minister for Home Affairs whether the Minister would tell the House through what system the carvings and any other woodwork made by the prisoners in jail were sold.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The system by which carvings and any other woodwork made by prisoners are sold is that the customer, be it a Government department or a private customer, places an order with the Prisons Department for the item required. This system applies to all prison industries. On accepting the order, private customers are required to make a deposit of 75 per cent of the cost of the item and the balance is paid on delivery. In the case of Government departments, no deposit is required, and the order is normally in the form of a local purchase order.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, would the Minister tell the House whether prisoners receive any commission out of their carvings and woodwork?

Mr. arap Moi: Mr. Speaker, Sir, that is, I think, a different question.

Mr. ole Tipla: Mr. Speaker, Sir, will the hon. Minister tell us how many contractors or how many Government departments buy these carvings from the Prisons Department?

Mr. arap Moi: Mr. Speaker, Sir, there are so many orders placed by different departments and different individuals and therefore I do not have to admit that the number of people who are coming are in large numbers.

Mr. Anyieni: Mr. Speaker, Sir, would the Minister inform this House, how much money was obtained from works done by the prisoners in the year 1964?

Mr. arap Moi: Mr. Speaker, Sir, it is true that that one is a different question. I would like to enlighten the Members that my Ministry is a productive Ministry and they produced last year about £172,000.

Mr. Kalli: On a point of order, Mr. Speaker, Sir, I do not think the questioner asked how much money the Ministry produced, but only how much money the Prison Department received?

[Mr. Rurumban] drought, because, Mr. Speaker, the divisions cannot accommodate all the people, nor can the land carry their stock. I want my people to be free, and also I want the Government to take any action which is necessary to achieve that end.

Mr. Speaker, Sir, I urge the Government to take the following steps which I hope will be effective to combat the *Shifita* activity. First, I urge the Government to employ or recruit 400 tribal policemen so that the outposts which were deserted because of fear of *Shifita* could be used again. Each outpost should have a sufficient strength of force. Mr. Speaker, I would also like the Government to declare that particular area of lease-hold land as an Emergency area. This is a long-term business, because we are sure that we shall be attacked by these Somalis for years and years. The *Shifita* are Somalis, and the Somalis are *Shifita*.

Mr. Khalif: On a point of order, can the hon. Member substantiate that all the Somalis are *Shifita*?

The Speaker (Mr. Slade): The hon. Member may be justified in saying that *Shifita* are Somalis, but he has gone too far in saying or implying that all Somalis are *Shifita*. He must withdraw that.

Mr. Rurumban: I was also asking the Government to make a provision to employ all the ex-K.A.R., ex-policemen, ex-tribal policemen as home guards to protect this area.

Mr. ole Tipis: Mr. Speaker, Sir, I think this is one of the most serious Motions, and I hope the Assistant Minister is taking it very seriously. I see that his eyes are wide open.

Firstly, Sir, the Government is charged with a heavy duty and responsibility, not only for protecting the lives and property of the inhabitants of this beautiful land. They cannot, by any means, try to pretend that all is well, as far as security measures are concerned. We have had these troubles, as far as tribal clashes and fights are concerned, since this country became independent, and there must be something wrong somewhere. This House is entitled to ask the Government most earnestly and seriously to reconsider the position. We have been told that Kenya has a strong army, navy, air force, police, and the G.S.U. Well, where have these forces been? What are they doing when people are being massacred?

Now, Mr. Speaker, this incident of the Samburu is very serious indeed, and consequently, the Samburu have suffered several raids, simply because the neighbouring tribes are friendly to

them. This Government just sits and pretends that all is well, and we want to tell them that either they protect the Samburu or else they arm the Samburu so that they can protect themselves. It is no good boasting that we have a strong army and police and so on when these people are being buggered all.

The Speaker (Mr. Slade): You must not use such language within the precincts of this House, Mr. Tipis.

Mr. ole Tipis: I withdraw that phrase, Sir.

Mr. Speaker, the position is quite clear. The *Shifita* are armed with automatic firearms, smuggled from across the border of our country, while the Samburu are merely armed with spears. If this Government cannot protect the Samburu then, of course, we would like them to be allowed to smuggle firearms in order to protect themselves. It is as clear as that. It is no good hon. Members sitting here and shaking their shoulder.

Mr. Speaker, we want to know whether the Intelligence Branch of our Government is still as active as it used to be, because my information is, Sir, that when the Samburu were attacked, the *Shifita* had planned and succeeded in removing from the area, their wives and children, together with all their moveable property, to areas of safety before their attack took place. This was not only known to the police, to the administration but to the C.I.D. and the Intelligence Branch. Surely, they must have used their common sense to realize that something serious was cooking somewhere? So, they should have taken immediate action to find out what that was! Mr. Speaker, twelve people were massacred. We would like to know everything, because we understand this incident was reported to the District Commissioner of Maralal. He said he had nothing to do with the incident, he could not do anything, he could not arrest the ringleaders in whose homes the wives and children were moved to. What sort of a Government is this?

To make things more serious, Mr. Speaker, the security forces followed the Samburu who were rightly horrified by the terrors that had taken place. The security forces followed the Samburu and shot dead two innocent people.

We want to be told whether the strong army we are talking about, the navy and the air force, is there to shoot our innocent people.

In such a serious issue the Government should act, and act quickly. Every now and then, Sir, we hear of border clashes elsewhere. Not only in Samburu District, but in places like Khat Masal, Turkana, and the Kipsigis, everywhere

[Mr. ole Tipis] are clashes. Is the Government just sitting there, doing nothing? Why did these incidents not take place when the imperialists were there? If we were quick to move and quick to act at the right time, rather than just say that we are inspecting the situation, these things would not happen today. Something must be done. We do not want inspection, we want action.

Mr. Speaker, Sir, the Assistant Minister is laughing. Was he laughing while our people were being murdered? I do not think so because he is an intelligent man.

In conclusion, Mr. Speaker, in order to allow the Assistant Minister to answer the various questions, I will not speak long, but only say this. The Samburu have been more than tolerant. They have sent petitions and delegations to almost every person in the higher offices of the Government. They have been attacked time and time again. They have not retaliated, because they believed that an African Government was going to protect them and bring those responsible to a court of law to be properly punished. So if this Government has failed in the discharge of its duties then let it make the situation a free for all. Let the people obtain weapons and defend themselves. Then the Government will not be in a position to complain, because, when it could do something, it did nothing.

Mr. Speaker, we do not want words, but action now.

Sir, I assist to support.

The Assistant Minister for Internal Security and Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I am glad to have heard what hon. Members have said in this debate. The Government is certainly not interested in inhumanity. The things which happened in Samburu area here, in some cases, been, unfortunately, true, and I will tell you in a moment the decisions the Government has taken and the plans the Government has to try to put an end to the inhumanity in that area.

I must also say here that, despite whatever happened, the Government appreciates and I am sure will continue to appreciate, the law-abiding nature of the Samburu people. They have, of course, asked for a lot of things in the past. They have been asking for a number of things. Now, we do not ignore this and we appreciate it.

The hon. Mr. ole Tipis spoke of smuggling hand-fir, guns, into the country and suggested that we should allow the Samburu to smuggle arms in. Of course, the Government cannot allow anybody to smuggle.

Further, Mr. Speaker, Sir, the Government does not agree with the syllogism that all Somalis are *Shifita*. This man is a Somali, therefore he is a *Shifita*. Mr. Speaker, Sir, it is known that, within a period of nine to ten days during the month of February, a number of raids took place on innocent Samburu and a number of people were killed. The Government is not only a Government of the Samburu in Samburu areas. Like my friend the hon. Mr. ole Tipis said, there are border raids everywhere and the Government is looking into these border raids everywhere. The incidents which took place in the Samburu area, burnings and so on, are being looked into. The police is doing everything possible. I shall give you a few more details of this later on.

Now, the Samburu and some Boran thought it fit to take the law into their own hands. Even in this, one appreciates, of course, why they did this: because they were angry. If the Somalis who are armed with guns go and do all sorts of things why should the Samburu not do anything? That is how they felt. As a matter of fact, Sir, these folk are not *Shifita* at all. The *Shifita* are on the run. They are afraid of engaging with any of our security forces. These people are concerned only with looting and stealing. These are their main activities. They are ordinary folk who want to steal and who want to do the things which are not good. Mr. Speaker, it is not easy to know who is a *Shifita*. Some hon. Member here called me a *Shifita*. The retaliation which, at one stage, involved the unfortunate death of some Samburu was because the people, instead of leaving the matter to the police, went and murdered everybody they met.

The police will look into these incidents if you report to them. We are not satisfied with that. We have been going on, trying to give the Samburu the protection they need. We are trying to give them the best protection in Kenya like anybody else.

The criminal element in the particular area are now being followed up and the police and the security forces are unrelenting in their efforts to bring the gangsters to court. All hon. Members can rest assured that the situation is constantly under vigilance; that the commanders of our security forces over there will deploy their forces if necessary, wherever there may be people who are trying to be gangsters.

Also, Mr. Speaker, the Government is determined to pursue these gangsters ruthlessly wherever they are found and it is up to hon. Members to show us who they are and where they are. As you know, there are very few people now

[The Assistant Minister, President's Office] if he would be prepared to take them into account, will help him as well as the settlers to a very large extent, so that although we will give him the powers he seeks, we will be in a position to ensure that the settlers will not be unduly victimized.

Mr. Deputy Speaker, Sir, this morning when I was looking through this Bill I decided to go through the principal Act, the Agricultural Act of 1952. Now, this Act, Sir, was primarily intended to cater for the European settled areas and it was intended for all practical purposes for European settlers. Now, that is the whole Act, and that is the Act we are trying to amend. The Minister himself has said that a certain part of this principal Act gives the Minister for Agriculture certain powers and indeed it does. My question is, why cannot the Minister for Lands and Settlement do this jointly with the Minister for Agriculture so that the powers which the Minister for Agriculture has, to help the farmers or the settlers under the principal Act, could also help the settlers in the settlement schemes.

Now, what are these facilities. Mr. Deputy Speaker, which the principal Act accords to the European settlers in the Scheduled Areas? First, Mr. Deputy Speaker, under the principal Act you have some provisions, in section 100 of the principal Act, whereby the chief executive officers in various provinces could send—it reads, Mr. Deputy Speaker (this is actually as regards the registering of all farmers): "Chief executive officers shall send by post to every person who, in his opinion, will or is likely to produce an essential crop and who is registered as the owner or occupier of agricultural land or such farms relating to farming operations concerning the production of essential crops."

Now, the first thing, Sir, which the Government should do, which the Minister for Lands and Settlement should also ask the Minister of Agriculture to help in is to register all these settlers and I hope he does. There are certain benefits in registering these farmers. Under the same Act, you come again to section 110 where you find the provisions of guaranteed minimum returns. Now what does this mean? Having guaranteed minimum returns, Mr. Deputy Speaker, a settler who is so registered is entitled to advances and grants. It says, "Every person upon whom a production approval or production order has been served shall be guaranteed by the Government such minimum returns of money for every acre of land appropriated for planting with an essential crop." Now, Sir, why cannot the Government, through the Minister for Lands and

Settlement and the Minister for Agriculture, first of all register all our settlers in the settlement schemes? Secondly, give them the production orders of essential crops, which will guarantee that they will be able to raise a certain amount of money from their holdings in any given year? And, on the basis of this, the Government will be empowered to give them advances. These are the powers the Minister for Agriculture has.

It is no use trying to acquire power to turn someone out of the land unless you have given him all possible facilities to develop, that land and get the money to repay the loan.

The principal Act itself does specifically provide this, that the Government could guarantee such minimum return of money; and if the Government guarantees such a minimum return of money to every settler, then the settler will be in a position to get the money for development. As a matter of fact, Mr. Deputy Speaker, the principal Act goes on, in section 163, where it provides that "the Government may make grants or guarantee loans to be expended for agricultural development or any other agricultural purpose to any person or guarantee any credit afforded to any person for such development or purpose."

Now, Sir, what I ask the Minister for Lands and Settlement to do is to have a nice word with his colleague, so that these provisions of trying to help the farmers so that they can raise the money in other ways, not only, you know, by putting them on the land and leaving them to fate. They would be able to get the money to help them repay the loans.

Finally, Sir, I am puzzled; I do not know whether the Minister himself or the Attorney-General overlooked this point. When I read section 174, which we are requested to amend, I saw that this section deals with the power to employ staff. It would appear to me, Mr. Deputy Speaker, that the relevant section which we should be required to amend should have been section 176 or 177, because these are the sections which deal with security of advances and also deal with the remedies for recovery of advances made on land. While we should get these subsections 2 and 3 which suggests that we should get into section 174, it appears to me that this would be highly incongruous because it would not make sense. It may be that the Minister for Lands and Settlement, while this debate is going on, will have a word with the Attorney-General and see whether this was a clerical error and introduce an amendment for that purpose.

Mr. Deputy Speaker, I sincerely feel that the Minister of Lands should take up the few points

[The Assistant Minister, President's Office] which I have given to him in the interests of the settlers so that the settlers who he wants to drive away from their holdings by seeking these powers, will have been afforded every opportunity available to make their holdings a success. Without doing this, I do not really see how the representatives of the people can very easily give this Minister these far reaching powers with a clear conscience.

With these few remarks, Mr. Deputy Speaker, I support the Bill.

Mr. Glehoy: Mr. Deputy Speaker, Sir, I have looked at this Bill and I have come to a very good conclusion; that this Bill should be kept pending for six months. The reasons for keeping it for six months are these. When I say six months, I mean that it should be reconsidered and amended. Now, what surprises everyone is this; we have a situation whereby the settlers referred to in the context are just mere former detainees, former prisoners, former landless, who otherwise have nothing in their possession. They are in fact typically poor people. It would be wrong, Sir, if instead of facilitating their ways of earning a living, we make it very difficult for any African who is poor, to accept to become a settler. Mr. Deputy Speaker, I have seen in my own area 400 plots which were given to the former freedom fighters according to our President's instructions. These people were unable to go into those areas which were given to them by the Government because they were told they had to produce some money first. They were all given as gifts, otherwise. This money was the so-called fee to allow them to be settled in that area. I thought that when these plots were being given to the new settlers, the former freedom fighters, poor people, the intention was to make it possible for them to be settled, to have a settled life. But consequently, the way the Ministry of Lands and Settlement handled the situation, it proved that there was no sincere intention whatsoever, for the Ministry of Settlement to get these people settled, to make them feel that they are being given a place to live in under the sun. The condition which was made, that they had to pay so much, was to make it very difficult for them to even start a normal life.

Mr. Deputy Speaker, Sir, Africans who are being settled are accepted to be poor people. If this Bill was meant to cover those people who are buying large acreages of land, we would have supported it, but now the Bill is dealing with the peasants who call settlers. It is even, in grammatical terms, wrong to call a man who holds a plot a settler. It is wrong grammatically to call him

a settler. So far as my knowledge goes, the practice in Kenya has been to call settlers those people who have estates and estates. It would not be surprising if the Minister for Settlement was a settler. He might be one of the settlers. There has been a tendency by the Ministers of this Government to buy the best lands up which were either abandoned or were sold by a willing settler. Because the Minister is a Member of Government—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, Sir, I am seeking your ruling on this. Is the hon. Member right in implying that hon. Ministers of this House have chosen the best land and bought it?

The Deputy Speaker (Dr. De Souza): I do not think there is anything wrong for the hon. Member to say that. The Minister can reply whether that land that they have bought is the best land or not. It is a question which concerns agricultural policy. The Minister could deny it, if the Minister for Land and Settlement is here. He could deny it if such is the case, but there is nothing as far as I can see which stops the Member alleging this.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, it is not right that the hon. Member should substantiate that a Minister has bought the best land?

The Deputy Speaker (Dr. De Souza): Yes, if you ask that, it can be substantiated.

Mr. Glehoy: Mr. Deputy Speaker, Sir, if the hon. Assistant Minister understands English, he would not have brought up that question. I said, and I used a very good word, "might". So, what, Sir, should I substantiate when I said "might"—

The Deputy Speaker (Dr. De Souza): No, no. That is not enough. You cannot get away from an allegation by saying "might have done so", because you might, for example, tomorrow say that you feel that, in fact that is an allegation. You have either to say on what basis you make that allegation that they have bought them, or either withdraw.

Mr. Glehoy: Mr. Deputy Speaker, Sir, I will put it this way. Last year we were just standing near the gate outside Parliament Buildings, the Minister—and I will mention the name of the Minister, the Minister then for Education who is now Minister for Health—did say to us, those who were there, that when the hon. Member for Aberdare, Mr. Kariuki, said that Ministers were

The Speaker (Mr. Slade): Will you now move that the House doth agree with the Committee of the said report?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to move that The Electric Power Amendment Bill, 1965, be now read a Third Time.

The Assistant Minister for Natural Resources (Mr. Mohamed) seconded.

(Question proposed)

(Question put and agreed to)

(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)

BILL

Second Reading

THE AGRICULTURE (AMENDMENT) BILL

The Minister for Lands and Settlement (Mr. Angiano): Mr. Speaker, Sir, I beg to move that The Agriculture (Amendment) Bill be read a Second Time.

Mr. Speaker, Sir, sections 167 to 183 of the Agriculture Act relate to land settlement and are thus the concern of the Ministry of Lands and Settlement even though that Act as a whole is the responsibility of the Ministry of Agriculture. Section 174 of the Act provides that where the Settlement Fund Trustees have made an advance to a settler for land purchase or for development and secured it on his land, the trustees in order to recover the advance, may take all the same steps for its recovery as are permitted to the Land Bank including the taking possession and selling by public auction of the land in question. However, it is not possible to secure an advance by way of a charge registered against the title until such a title has been issued to the settler, and issue of title has been held up owing to delays in completion of surveys, largely caused by the failure of settlers to hedge their easings. Survey plans are produced from aerial photographs and it would be wasteful to take such photographs until all the hedges have been

planted. As a result a large part of the money advanced to settlers by the Settlement Fund Trustees is not secured on the land, and section 174 is of no help in recovering such advances when they become overdue. At present, the only method of recovering such advances is to sue the defaulters in a civil court which is a slow and cumbersome process.

The amount billed as at 31st December 1964, Mr. Speaker, on all settlement schemes amounts to £396,000. Of this, Mr. Speaker, £230,000 had been paid by the end of January 1965, and it is estimated that by the 30th June 1965 at least 90 per cent of the outstanding money will be paid. While many of our settlers are five or six months late in making their payments they are trying their very best and we are quite confident that 80 per cent of our settlers will meet their dues. However, there is a hard-core of people who are not making any attempt whatever to pay their bills and out of some 20,000 settlers already on the land roughly 562 settlers have had the whole of their accounts or part of it outstanding for over twelve months. It is toward these chronic non-payers that this Bill is directed.

Mr. Speaker, Sir, in order to provide, a much simpler and more rapid means of recovery of advances not secured by a charge registered against a title to land, it is now proposed in this Bill, Mr. Speaker, to add two new subsections to section 174 of the Agriculture Act. The first subsection is designed to enable the trustees to recover the advances (and interest) as a civil debt recoverable summarily under the Debts (Summary Recovery) Act, which provides a quick court procedure followed by imprisonment for an adjudged debtor who still refuses to pay in spite of the court's order.

The second subsection authorizes the trustees to regain ownership and possession of the land from the defaulting settler where the money owed by him has been outstanding for more than six months without having to take the matter to the court. Hon. Members may be assured that the powers conferred on the trustees by the two new subsections will not be abused, since the trustees and their staff are anxious to see the settlers make a success of their holdings. These powers will only be exercised against persistent defaulters who are clearly never going to make a success of their settlement scheme plots and who are merely standing in the way of other capable would-be settlers.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Masinde: Mr. Speaker, Sir, I stand to speak on this Bill and I think I can see why it has become necessary for the Minister for Lands and Settlement to bring this Bill. I once spoke here about our being faced with this problem, in the Ministry of Lands and Settlement, particularly for those settlers who have been settled, and I know that through this Bill the Minister is trying to recover money which he considers to be in arrears from the settlers. But, in fact, Sir, and this is a way I think the Bill is very unfortunate, and there is no need for it to be produced, he knows that settlers who have been selected to settle on given farms or plots have nothing, they are poor people, and we have to maintain them for some time. If possible they should remain on that land for a period of more than twelve months to enable them to obtain something from the land in order to start repaying their loans. But here, Sir, a settler is given a plot and within six months a Minister or the Ministry expects money from this person. This is a very wrong calculation. I do not know under which section the Minister is trying to say that a person shall have raised money from the land within six months. This happens in all areas, particularly the area which I represent, and I know that people who are settled now will find this difficult for the simple reason that we have only season in a year. If a person is settled, say in early December, this person or group will be able to start repaying their instalments in December of the following year. If they are settled in the middle of the year, say, the month of June, May or July, they should be expected to remain on such a farm for more than eighteen months because they went to the farm after the season for planting was over, without the chance to prepare their field to enable them to plant anything from which they could get some money.

The Speaker (Mr. Slade): I am sorry to interrupt you, Mr. Masinde, but I do not want hon. Members to debate a Bill on misunderstanding of what it says; and what this Bill refers to is money being over due for a certain period, say, for six months, beyond the time when it became due. It does not actually deal with the terms of payment. That may be one year or twelve years, for all I know. So we must not be confused that this Bill is saying that payment is to be within six months of taking possession. It is when money has been overdue for six months from whatever the official date of payment may be.

Mr. Masinde: Mr. Speaker, Sir, I do understand the Bill very well but I think there is a terrible misunderstanding in the Bill itself. I know what has been happening in the drought, most of the

settlers refused to start repaying their loan after six months due to the fact that they had just occupied their land and they had no money to start repaying their loan. It is on this count that the Ministry has no certain way of prosecuting them except to find a way of introducing this Bill. The argument still remains that whether this Bill goes through or not, these people—I know that they would be subject to imprisonment if this Bill goes through but they would be imprisoning people who do not deserve this punishment for the simple reason that the time limit is very short. That is why it would be necessary to specify in this Bill for how long a person is supposed to be on the land and when he should start repaying. It is for that reason, Sir, that I think the limit of six months should be deleted and re-worded properly by saying that a person should remain on the land for at least twelve months and thereafter should start to repay his loan. If it is not worded like that I can see the danger, Sir, it would remain like that and that is all. That is why I think that this Bill is unfortunate and I do not think that the House could approve this for the simple reason that we have to accept the time and the period and the season in which the person could raise the money.

With this, Sir, I beg to oppose the Bill.

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

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

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, although I nodded for seconding this Bill, I am seconding it with some reservations.

Firstly, it is the policy of this Government to make land settlement all over the country a success. We do not want to be faced with a situation in six or nine months' time from now that all the people, we have settled in various settlement schemes in Kenya are turned out and their holdings taken by the Minister for Lands and Settlement, to be allotted to other prospective settlers. We, I hope, accept that once an allotment of land has been given it should be given to that settler who would make it a success. There is nothing wrong, in my speaking as a lawyer, for the Minister to require the powers he is seeking, but there is this very serious implication to which I have referred. Once the Minister has these powers his representatives will go around and if settlers have defaulted in making payments, they will very rightly turn out these settlers, and, of course, we, the representatives of the people, will have the weight of this on our shoulders. I would like to suggest a few points to the Minister which,

[The Minister for Works, Communications and Power]

This is merely a reference to a law which had been in force in India, which was debated here in the country, and which, in fact, is in force now. There is no question of taking anything from India. This is merely a reference to a law which is already in our law books. It was merely an Act, we call it the Land Acquisition Act, that they had in 1894 in India. It was the acquisition of land by Government from individual titles such as we have in Africa. Therefore, there is no fear about this law being applied to the country.

Some Members had sought an assurance from the Government about the partnership which I had mentioned of the company which is going to run the scheme; we call it the Tana River Development Company. I have mentioned that this company was going to be operated by only four partners, that is Government, the Commonwealth Development Corporation, East African Power and Lighting Company, and Power Securities.

Mr. Speaker, there is no question of the Government being, perhaps, as some Members fear, bullied by these other companies. The Government has not said anything at all in bringing about these loans. The loan has been raised by the Commonwealth Development Corporation in London, together with Power Securities in London, for which I am very thankful, because without their efforts and their assistance in this matter, we would never have raised this amount of money.

Now, Mr. Speaker, I repeat again that once the company has paid back the loan which, we have estimated will be in ten to fifteen years' time, the Government will own the project, the electricity project, 100 per cent. That is what the terms of the agreement with this company are, that the Government will own the company and the State company. Therefore, there should be no fear from any hon. Member that we are being, perhaps, colonized again by foreign money magnates in the United Kingdom, or other places. It is merely a loan that we have sought from the United Kingdom. We are satisfied, Mr. Speaker, that the terms of the loan are agreeable to the Government.

Mr. Speaker, the hon. Mr. Masinde asked whether it was going to be possible to cover all areas with electricity, and whether Western Province was going to be supplied with this electricity. I have said, Mr. Speaker, that that is what Government intends to do. We intend to flow back electricity to Western Kenya because the

supply we have at the moment is not adequate to be able to meet the needs of the people there.

As I have said, also, referring to the question asked by the Member for Kilifi South, as to whether we are going to have electricity down at the Coast Province, this is being done, and when we are in a position to supply this, it will be made available right to Mombasa.

Another Member, the hon. Mr. Muliro, talked very strongly of why the Government does not nationalize the East African Power and Lighting Company. Mr. Speaker, I have stated on a number of occasions in this Chamber that it is not Government's intention to acquire somebody's property without compensating that person fairly. This is precisely what is happening in the East African Power and Lighting Company. If Members want to nationalize the East African Power and Lighting Company, this is perfectly all right, but what is the method of nationalizing the company? Do we just go and take this capital by force, or are we to compensate the company? Are we to use the money which we should use for expanding and getting more electricity to compensate this company merely for the sake of nationalizing? This is not happening. Mr. Speaker. If we have to take over the East African Power and Lighting Company, we must, in the first instance, look for money in order to compensate the company, and the Government is satisfied that we cannot look for money to compensate somebody if we still need electricity. Therefore, that money should be used to get more electricity instead of using it to nationalize the East African Power and Lighting Company.

Mr. Speaker, in the Constitution, it is said quite clearly, if hon. Members would like to refer to it, that we must pay fair compensation if Government has to take any property from anybody. After all, Mr. Speaker, some Members talk of nationalization and so on. How would they feel if the Government was to take over their own house and home, or take a piece of land? They would feel differently about the matter then. I believe, Mr. Speaker, this is not a very good way of securing a capital investment in the country if we have to frighten investors with this type of talk. We cannot afford, at present, Mr. Speaker, to nationalize the Company.

The hon. Member for Kilifi South, Mr. Ngala, also talked of Tanzania and Uganda having taken over electricity supplies in the country. I agree that they have done so, but they have done so by paying compensation. For example, Tanzania paid a compensation of £4 million, in order to buy out the East African Power and Lighting Company in Tanzania. Now,

[The Minister for Works, Communications and Power]

we think that we should have paid that amount of money, but rather than paying it by buying out a company which is running well, we should use it to develop more electricity for use in the country.

Mr. Speaker, my hon. friend, the Member for Gichoya, has talked so much about socialism, African socialism, and yet he failed to tell us what African socialism is. He did not define that African socialism. Mr. Speaker, I myself have been to socialist countries, I have been to the USSR, to China, East Germany, and many countries in the East, and I do not know what the hon. Member would think. Would he think that he could get a loan from Russia just for the sake of interest, and come and build a hospital here? Should we pay them first the money which they have given us as a loan or not, because we talk so much of this socialism, and so on.

Mr. Speaker, the same Member, the hon. Mr. Gichoya, talked about the short supply of electricity here and there in Nairobi, including his own constituency, and many other areas in the Central Province. This is precisely why the Government is going ahead with this plan to get more electricity so that we can satisfy the needs of not only big urban areas, but also rural areas. Mr. Speaker, unless Government can be given the right to acquire land for such purposes, it is going to be a long time before we achieve the purpose we are aiming at.

I was asked also by the hon. Mr. Muliro to say whether Government will have controlling powers. According to the terms of the agreement of the loan, the Government will still have controlling powers, although it will have only 25 per cent. Government will direct all the policies of this company. The Government, by that agreement, will still control the operation, and the tariffs of the company. Therefore, we are satisfied that Government will go right in the administration of the company.

Mr. Speaker, many of the problems faced by the hon. Members appear to be more or less the same, and I would not like to take much time to expand on them, except to say that I am very grateful to the hon. Members who have contributed to the debate, and I would appeal to Mr. Speaker, unless the Bill goes through, because Mr. Speaker, every piece of land is required; Government will have to negotiate with individual people here and there. It will frustrate the work of the company,

it will delay the work the company is likely to undertake, and therefore, Mr. Speaker, it is extremely important that this Bill should go through, and I am fully satisfied that compensation will be given to land owners and people who own property in these areas when the need arises.

Mr. Speaker, Sir, with these few words, I beg to move.

(Question put and agreed to)

The Speaker (Mr. Slade): We will go on to the Committee of the whole House if we have the leave of the House. Have we the leave of the House now?

(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 Deputy Chairman (Mr. Slade) took the Chair)

THE ELECTRICITY POWER (AMENDMENT) BILL

(Classes 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 agreed to)

(Classes 12 and 13 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Deputy Chairman (Mr. Slade): Mr. Mwanumbwa will you move that the Committee do report to the House.

The Minister for Works, Communications and Power (Mr. Mwanumbwa): Mr. Chairman, Sir, I propose that the Committee do report to the House its consideration of the said Bill—The Electricity Power (Amendment) Bill, and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Report and Third Reading

THE ELECTRIC POWER (AMENDMENT) BILL

The Minister for Works, Communications and Power (Mr. Mwanumbwa): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Electric Power (Amendment) Bill, 1965, and has approved the same without amendment.

[The Assistant Minister for Agriculture and Animal Husbandry]

so am I right at this juncture to move that the Mover be now called upon to reply?

The Deputy Speaker (Dr. De Souza): Yes, since I have already put it once and it was negatived, I will put it again.

(Question put and agreed to)

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Deputy Speaker, Sir, I take this opportunity to thank all those hon. Members who have contributed in this debate. I would like to be brief in my reply. Before I start replying to individual queries put by hon. Members, I would like to make one or two observations.

I want to assure this House that Government has considered this matter very carefully and that the Government is satisfied that this is the best way of expanding electricity supply in the country, the electricity supply which is so badly needed today. Government is therefore satisfied that the only way to be able to go ahead in expanding electricity supply throughout the country is to borrow loans from overseas in order to move ahead with this, very mighty project we call the Tana River Seven Forks project.

Mr. Speaker, according to the terms of the agreement we are satisfied, with the lenders of this money who are mostly companies in London, that we have borrowed this money to the satisfaction of Government, having confirmed that at the end, when the loan is finally repaid that the project will be owned by the State. I want to make it quite clear to hon. Members that the Government is going to own this project, Government is going to own the entire electricity supply in the country when the loan is repaid, which we think should be paid back in ten to fifteen years' time.

Mr. Speaker, the Government is not involved in paying any money at all. All the money has been borrowed from overseas, from elsewhere. The little money that Government has, Sir, would better be used in other social services or functions which we have in the country, which equally need a lot of money. We have things like education, we have other social services, like dispensaries and so on, and we feel that the little money we have in our Budget should be best used in developing our social side of things.

Many people have said the public here should have been asked to raise the money which we are going to use to build this project.

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

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

Mr. Speaker, you are the Chairman of the National Fund which was started some time back, about two years ago. Up to now, I am told, the Fund has only raised £200,000. How can we expect the public who, after two years, have only been able to raise £200,000, to be able to raise millions of pounds in order to build this project?

Mr. Speaker, in November of last year this House had approved a guarantee of £6 million to begin the first phase of this Seven Forks project and that money has already been paid by the lenders in the United Kingdom. £6 million is only the first phase of this project which is going to be opened this week by His Excellency the President. I am not able to say at present how much money altogether will be needed in order to complete this very big scheme which we have. I am sure hon. Members should be very keen to see that Kenya is going ahead in the industrial programme. Mr. Speaker, we are quite sure that when this scheme is completed Kenya will lead other countries in this respect in this part of Africa.

I have been asked why we did not borrow money from other countries, why we did not borrow money from China, Russia, the United States and so on. I would like to say that it was not possible to borrow money from other countries and I would like to assure hon. Members that every step was taken to see what sort of loan would be suitable to this country, and the only way in which we found we could borrow money easily with terms agreeable to our Government was to get it from the companies in the United Kingdom which are assisted by the Commonwealth Development Corporation. We are satisfied that the conditions given in the loan are acceptable to the Government and are even better than conditions would have been had we borrowed this money from outside the United Kingdom. After all, Mr. Speaker, it is so much money that the negotiations and other details would have taken very long again if we were to begin afresh looking for this amount of money. It is more than ten years since these negotiations were begun and we are grateful that now it is coming to fruition.

Sir, this Bill actually deals with land and not so much with what type of company is going to run this project. How can we develop this country if we do not have land for such public purposes? How can we, as my friends advocate, lead towards African socialism if the State can not own even a piece of land for public purposes? How can Government ever introduce such a Bill

[The Minister for Works, Communications and Power]

whereas if land will not be available for such schemes as an individual person or some families, purposes; if a group of people for some selfish reasons will not part with that piece of land and it is needed for public purposes? It is imperative that Government should be given power to be able to acquire such land if it is needed for public purposes and in this particular case, Mr. Speaker, there will be a large area of land needed at Tana River for this scheme. I have said earlier that part of the land will be needed for building power stations, substations, part of the land will also be flooded by water, and it is necessary to tell this House what exactly will happen when we begin the scheme. If I am told, therefore, that we should not acquire land for this purpose how are we going to have that ample and cheap electricity which we all want.

Mr. Gichoya: Acquire land but compensate the people.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, many people have asked how we are going to compensate for the acquisition of this land.

QUORUM

Mr. Gichoya: Mr. Speaker, 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 have a quorum now. You may continue. Mr. Mwanjumba.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, this is now the third time that the House has been called to order because of lack of quorum. I do not know what hon. Members feel about it but to me it is a pity because hon. Members do not appear to be interested in what is going on in the House.

Mr. Speaker, Sir, even in our Constitution we have said there must be fair compensation if property is taken. This is so with land. Any piece of land which is taken over by Government for this purpose will be fairly compensated for. The machinery for compensation is contained in the Ministry of Agriculture which assesses the fertility of the soil, whatever is in the soil, whatever is sown, the crops and other things. There are rules already set out in the Ministry of Agriculture and there should be no worry at all as

to the mode of compensating the people in these areas.

I have said that there are two or three types of land to be compensated. There is land which is owned by individual title, land which may be owned by Africans and which may not belong to one person. All these types of land are being taken care of by this Bill. Land which is owned, say, by county councils will also be taken care of and be compensated when it is found necessary to do so. Therefore, there is no fear at all, Mr. Speaker, with regard to the mode of compensation. All this is set out very carefully not only in the Constitution, but also in some of the regulations within the Government.

I have been asked to say whether electricity will be supplied to different areas of Kenya. I would like to take this opportunity to assure hon. Members that this is the very purpose why we want this electricity started, because we have very many programmes to implement in the country, we have factories already agreed by Government to be built here and there, particularly in Western Kenya. All these industries can run not unless we have sufficient electricity to run them. It is, therefore, Government's policy that when finally this electricity project is completed, electricity will be supplied to all areas of Kenya. We have already surveyed these areas in detail, but I am unable to give such details right now. However, just to assure hon. Members who have spoken, particularly the Members for Luambili, Gichugu, Kilifi South, I would say that electricity will go to Western Kenya when this project is finally completed. It will also go as far as Mombasa. All areas of the country will be taken care of. Electricity supply will also go to rural areas in all the provinces of Kenya if the need arises that we should have a supply to such areas. Certainly, the entire Central, Western, Nyanza and Coast Provinces will be supplied with such electricity.

Mr. Speaker, I do not need to emphasize that electricity is the key factor of all industrial development in this country. Unless we have sufficient electricity, Mr. Speaker, it is no good coming here and saying we want industry in this country; if we are not able to have electricity that will be able to turn the big wheels of such factories. It is vitally important, Mr. Speaker, that this Bill goes through because we are all very anxious to have electricity in our constituencies here and there in the country.

Mr. Speaker, I would now like to turn to individual remarks put forward by Members. Somebody referred to why we are using that section of the law which was quoted from India in 1894.

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even in the existing set up in this particular industry the State does in fact have a measure of control of the whole policy of electricity and the charge and everything else. When this project is completed and in our own hands, we shall have a fuller measure of regulation and control.

I would have thought that these are the lines on which we should develop it, but sitting here listening to the Member for Gichugu supported by his friend from Athya-South Teu and by another Member who spoke before them, you cannot think that they are taking this matter seriously enough. It has been suggested that there is something wrong in the section which authorizes the Minister to acquire land for immediate use. My very friends who would be socialists contradict themselves because they do not want the State to have central powers of control and direction, and yet they want socialism without planning. How in the name of Heaven, Mr. Deputy Speaker, can we get it? What we are doing here is to authorize the Minister, who through plans, where we need to construct the power extensions quickly, and he will get authority to take action and not be blocked by some local interests such as expressed just now by the Member for Kilifi South. He told us that he is worried that his own piece of land is going to be part of the project and he wants to protect it. He would block it if he could.

Mr. Deputy Speaker, this is exactly what we want that the Minister should have powers to stop these kind of people, who only consider local, personal or family interest and would so block a national project. Again, for the would-be socialists, I would have thought this was the kind of measure which they would accept wholeheartedly; indeed congratulate the Government for once, for moving in the direction in which they have been lecturing us to move. It appears that they do not quite appreciate the meaning of all these socialist and specific things which we have preached. Mr. Deputy Speaker, it has been proposed and suggested that the existing companies should have been taken over by the State, and all that.

Now, Mr. Deputy Speaker, perhaps this is the occasion to propose once more to the hon. Members that they should consider and say what they mean, if in favour of this new project where the State is to make a capital investment. Will any Member in this House today stand up and say to the Ministry of Works, Communications

and Power that what they should have done, instead of investing the new—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Deputy Speaker, I would like your ruling. Every now and again it seems to me as if the hon. Member is reading his speech, because he does this.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy Speaker, there is no speech to be read, it is the Order Paper. My hon. friend usually has a way of reading speeches which are unwritten. Not all of us have this particular habit or ability.

Mr. Deputy Speaker, what I was challenging the hon. Members with, those who stood up here and said that the existing assets ought to be taken over, is to stand up here and to tell the public, Kenya, the people they now represent, that the capital which was available to the Minister for Works, Communications and Power, should have been used to compensate the owners of the existing assets, instead of using it to invest in the new assets. This is the practical choice which faces this Ministry when we are planning. This is the practical choice which is facing all parts of Kenya today and obviously if the hon. Member are going to speak about assets being taken over, let them also acknowledge—it is in the Constitution of the Republic of Kenya—that nationalization will be with compensation. You have amazed that Constitution. I am reminded by my hon. learned lawyer friend here, that the Constitution today says "fair compensation", not just compensation.

We do not want the hon. Members to stand up and say glibly "Take over", take over somebody's assets without compensation. If you have to compensate, then it is the choice before you; whether the assets, the finance, now available to Government should be spent in compensating the owners of the existing capital assets instead of investing in an expansion.

It so happens, Mr. Deputy Speaker, as we have said in the development plan, this Government takes the view that it will be acting in the interest of this nation to invest in a new asset. This that is an addition of power, an addition of whatever other project is in progress. Therefore, I am saying that those people who stand up here and speak about socialism must recognize that this measure is more socialistic than anything they have been speaking about. When they speak of socialism and nationalization, they should be bold enough not to hide behind words, but to speak out whether or not they wish us to spend

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what little finance we have today in compensating owners of existing assets instead of building new ones. This we shall know that they are truly socialists and that they speak after having thought of the practical implications and meanings of their words. Otherwise, we shall very soon come to this stage where they will just enjoy themselves saying words, the meanings of which or the consequences of which they have not thought about.

Mr. Deputy Speaker, I beg to support this Bill.

Mr. Oelwada: Mr. Deputy Speaker, Sir, I tend to agree with all my friends who have spoken so far, including the Member for Gichugu as well as the Assistant Minister for Economic Planning. However, there is one point about which I would like to remind the Minister. That is, we already have electricity in the central part of Kenya and the proposed project is also perhaps centred in the central part of Kenya. I hope, as the Assistant Minister said, that the Minister for Communications and Power has plans to extend the consumption of electricity to other parts of Kenya. I would like to ask him, when he replies, to tell us what plans he has for extending the consumption of electricity, especially to the Western part of Kenya, where we have about two-thirds of the population of the country. This area, Mr. Deputy Speaker, was an area which was forgotten by the former Colonial Government. There was no economic development at all. We were reserved as a labour pool for supplying the settled areas. As a result of this, it is now up to our present Government to ensure that economic development is spread to those areas. I believe, as the Assistant Minister said, there can be very little economic development without electric power.

Mr. Deputy Speaker, Sir, when he was introduced the Bill, the Minister complained that he had difficulty in acquiring bits and pieces of land to extend electricity supplies from Kisumu to Kitanga. This was for obvious reasons. The people living in the area concerned would also like to enjoy the privilege of having electricity. They do not want it to be given free of charge. In reply to a question yesterday, we were given frivolous excuses by the Minister that in such a densely populated area like Margoli, and others, the extension of the electricity supply would not be economic. We were not given good reasons why the Minister thought that it would not be economic to extend the power to these areas, and I hope that when he stands up to reply, he will give us very good reasons for this.

My hon. colleagues who spoke before dwell very much on whether it is in the best interests of the nation to have 75 per cent of the capital from outside and only 25 per cent from within Kenya. Perhaps this is a very good argument from a socialistic point of view, but we must remember that in order to establish such a big project as that, we must have a foundation. We just cannot expect to get money by cutting down the trees on Mount Kenya. We must get it from somewhere and from people who have got it. My colleagues will probably agree with me that we should ask the Minister to, instead of putting local contributions at 25 per cent, to put it at 50 per cent and ask the people of this country to contribute as much as they can from their own pockets to make up the other 25 per cent to bring it to 50 per cent local capital. If the Minister gave this thought at all, I am sure he will tell us. I ask him, therefore, to tell us when he replies. I believe that although we do not have so much money in our pockets, at least one million will be able to produce £1 each. If this appeal was made to the local people, I am quite sure that with so much coffee and miraa in Meru, the people there would be able to raise a substantial amount of money to add to the 25 per cent which will be produced by Government.

Mr. Deputy Speaker, with regard to the argument on socialism and what have you, I think we all know where we are heading for. The only problem is that each one of us wants to take a different route to get to where we are heading. Probably arguments may be different, but the objective is one. We should have confidence in our own Government that whatever they are doing is in the best interests of our own country and therefore we should give it the strongest support that we can to ensure that this project will succeed.

Mr. Deputy Speaker, I do not have much to contribute to this, except to remind the Minister that two-thirds of the people of this country need electricity and they want it immediately and it should not be confined to areas where we have already established electricity. If possible, this Seven-Forks Hydro-Electric Project should be confined to the Eastern part, the Northern part, the Central and parts of the Rift Valley and the electricity which we are getting from Uganda should be diverted to serve West Kenya.

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

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osoyo): On a point of order, Mr. Deputy Speaker, Sir, I see that the debate on this Bill has almost been exhausted,

[Mr. Ngala] electricity and is taking more land in the same area and there are some people who have been given five acres and they have a line of road taking away one bit of the corner of their land and another big line which appears to be taking another bit and the person remains with nothing.

It is high time that we watch this Ministry carefully in regard to the powers they wish to have for acquiring land. For this reason, Sir, I think without very much interfering with the interest of the country as a whole, I would like to see that there are terms that defend the rights of the people who own land. With these few words Mr. Speaker, I would like to reserve my feeling on this Bill.

Mr. Ekiella: Mr. Deputy Speaker, Sir, I just want to give a bit of news that when you see such places like Turkana you know he is really telling the truth and such places like Turkana have been neglected. I am sure that my best friend on my left hand or my right hand could not say that the roads in Turkana are good and could not say they are being prepared in order that I may get round my district easily. Now, Sir, I do not want to bother myself or boast myself but if it is really a bad thing that we cannot get a good piece of road, it is a very serious thing and I have seen before that you only take money to a place where the road has already been prepared during colonial days, but you never improve the roads in the districts where improvements are necessary.

The Deputy Speaker (Dr. De Souza): We are not discussing the matter of roads, we are discussing electricity.

Mr. Ekiella: Sorry, Mr. Speaker, Sir.

QUORUM

Mr. Dlamira: On a point of order, Sir, is there a quorum in House?

The Deputy Speaker (Dr. De Souza): No, there is no quorum.

The Deputy Speaker (Dr. De Souza): We have a quorum now.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, on a point of order, I am wondering whether this is not the time to call on the hon. Mover to reply.

The Deputy Speaker (Dr. De Souza): If you like to propose that, you can do so when Mr. Ekiella has finished.

Mr. Ekiella: I have not finished. Do not rule me out!

Mr. Deputy Speaker, Sir, I do not think the Members of Parliament would agree to have such rough roads when they go to Turkana District. They are sure that that their own areas have reasonable roads. This Paper is concerned with the powers that the Minister will have after this Bill is passed. I am definitely sure and I want to ask the Minister for Works, Communications and Power to do something about it. I am not asking when he is going to get sufficient money to get us this power and lighting, but I would be glad to know about this.

Thank you very much, Mr. Deputy Speaker.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, I would like to know whether it is in order at this time for the Mover to be called upon to reply.

The Deputy Speaker (Dr. De Souza): I will put that Motion to the House.

(Question put and negatived)

Mr. Warlithi: Mr. Deputy Speaker, Sir, this Bill as we have been told by the hon. Minister, aims at fulfilling the requirements of acquiring land for the purposes of developing the electrical power industry in the country. I would request the Minister to consider expanding electricity in rural areas which would provide usage for industrializing our country. We are following a planned economy and in the very near future we will require people in the rural areas to start small, skilled industries, which will require power. I hope that when the Minister gets the authority which he needs here for acquiring land he will spread power throughout the rural areas which will enable us to develop more rapidly.

I will go further, Sir, and ask the Minister this. There are some areas of Kenya where we have already got electricity. Take my own constituency, Ohaya-South Tetu. We have electricity which is supplied to the Simba tea factory. I would like to know from the Minister whether in this project he will use that electricity already, which is being used to run the tea factory, to electrify all the rural areas near and around the tea factory.

Now, I think, for the sake of some hon. Members, what I mean is that power should be sent and supplied and installed in all these areas so that they can be developed.

Now, to go further, Mr. Deputy Speaker, I would like to raise another point. Under this section 113 and then section 134, the Minister is given power to acquire land giving notice of three years and paying compensation to the landowner. Now, I would like to know on what basis this compensation is going to be calculated; most

[Mr. Warlithi] of the Africans, particularly in the Central Province, and also in the other regions, are very uneasy about land matters. These things are very delicate and we would like to know the basis on which the compensation is going to be calculated and who will be the final authority to decide whether the compensation is fair or arbitrary.

Another point which I would like the Minister really to explain when he replies is about licensees under this amendment. We would like to know who they are going to be or whether the Government will make an effort to see that the licensees of the land acquired—attempts are going to be made to see to it that the people of this country enter this great industry and participate fully in its development and exploitation.

With these few words, Sir, I beg to support.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy Speaker, I have only a few words really in supporting this Bill. I think we all have a lot of respect for the hon. Members here who like to stand and theorize and lecture to us about socialism, but, Sir, they are very close to not only—

Mr. Agar: Mr. Deputy Speaker, on a point of order, would the hon. Assistant Minister substitute that the Members are 'theorizing'?

The Deputy Speaker (Dr. De Souza): Mr. Agar, this is not an unparliamentary word. There is nothing wrong with theorizing.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy Speaker, there is nothing wrong with theorizing but it appears that some Members are afraid of being accused of it.

What we have heard here from some Members is absolutely frustrating in the sense that it reveals, Sir, an unwillingness on their part to face these matters in a practical, sensible, rational way, because the hon. Member, when he introduced this Bill, did explain very clearly that Kenya, as it now is, is quite unable to finance a scheme of this magnitude from its own resources. Therefore, Sir, this can only be financed by borrowing. The hon. Minister has already explained to this House that when the loan has been repaid, the whole project will be owned by the State.

I would have thought, Sir, that my friends, who profess socialism, scientific, social or otherwise, would have agreed with me that nothing could be more socialist than a project which will become State-owned in a short time, when we have repaid the loan. It so happens, Mr. Deputy

Speaker, that with very many of our projects we are not always in a position to do this kind of thing. I would therefore have thought that this was the occasion for our very many friends who profess socialism (whether or not they quite understand what it means is another question), to congratulate my friend here, who is very hard worked in his Ministry of Works, Communications and Power.

Now, Mr. Deputy Speaker, the sole point I have to make in supporting this Bill is that we ought really from now on, because it will benefit the Government, if the Members in this House will be a little bit more practical. It has been suggested, for instance, that something else could have been done in this case, in operating this project, to make it more socialist. I do not know what is meant by more socialism. But it has been said that there could have been more socialism than there is now going to be. But one cannot say that any single Member who has spoken on this debate, Mr. Speaker, has made one practical suggestion as to how the hon. Minister could have acted better than he has done. It is frustrating and it is very difficult for anyone to acknowledge that the hon. Members who have posed these questions have themselves thought out all the practical implications of the ideas they are putting forward and how they could be operated.

Mr. Deputy Speaker, the question of electrification has been accepted. Everybody wants electricity. We cannot have any development until we have electricity throughout the rural villages. To my socialist friends, I will say that it was Lenin himself who said that socialism without electricity was not practical. We know it. We have accepted it and we have worked out a practical programme of supplying Kenya's need for African socialism. Now it is for all of Kenya, irrespective of what part of Kenya it is, all of Kenya, including everybody. Having done all this, I am frustrated to have had to sit here for three days and listen to suggestions that there was nothing socialist about this; whether this thing should have been tabled or not. But nobody could see a political alternative to what has been done.

I agree, for instance, with the people who have suggested that we should have a way of getting cheaper electricity to the people, but the way of getting cheaper electricity is to have enough of it. So long as there is a limited supply of it and there is competition by the consumer who wants it, then it will be expensive. What we are trying to do here is to have enough of it and therefore we should be able to have control. But it should be emphasized, Mr. Deputy Speaker, that already

[Mr. Ngala] about 25 per cent only and that the foreign contribution would be 75 per cent. Now, I think the Minister is making a very serious mistake in assuming that Kenya people are poor, therefore they cannot get something out of them to make up a high percentage.

Now, we have the knowledge that if the Minister had asked or floated a company, money would have been forthcoming to the extent of making it possible for us to have a very big share in this company. I also understand that the Minister has not made any provision for any future possibility of our country coming in with a bigger share to control this very valuable industry.

I happened, Mr. Deputy Speaker, Sir, to visit one of the electricity stations in Mombasa the other day and I saw queues and queues of people who had come to pay their power bills and the majority of the people were people of this country and, as consumers, I think they should be given a chance of having a share in this industry.

I think the whole electricity industry of the past has been wrong. The first phase was just Kenya subsidizing Uganda in their own electric power and here we have a second phase when people thought that there would be a hope of Kenya enjoying the industry, in owning the greater part of the industry; this has been expected by the people and the people are sadly disappointed. What happens? The biggest share of the capital, the largest say, is a foreign say in this.

Now, I think that this particular Ministry is very dangerous in the economy of the country because I remember, about three months ago when we were discussing Nyali Bridge, Mtwaya Bridge and other privately entrenched companies, the Minister said that our agreement is so entrenched that you cannot undo it within twenty-five years, to free Nyali Bridge. Now, here is another thing which will be very difficult for us to untie for a, very long period to come.

The Minister for Works, Communications and Power (Mr. Mwanjumba): On a point of information, Mr. Deputy Speaker, Sir—

Mr. Ngala: I am not prepared to give way on a point of information. If the Minister wants to give information I will give him a chance.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Deputy Speaker, Sir, I thought it would help hon. Members when discussing this matter to inform them that

according to the agreement the Government will take over the entire project after paying back the loan and I have said this, Mr. Deputy Speaker, Sir, after repaying the loan the entire electricity supply project will be owned by the Central Government one hundred per cent.

Mr. Anyient: On a point of order, Mr. Deputy Speaker. The other day the Minister said that there were three to four groups, the Kenya Government and some other three companies from overseas who would participate. I did not hear him say that the Kenya Government had received a loan from three separate financiers. We would like that to be made very clear so that we understand exactly what is going on.

The Deputy Speaker (Dr. De Souza): Would you like to clarify, Mr. Mwanjumba?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Thank you, Mr. Speaker. The loan is from the United Kingdom, which has been loaned to Kenya through the three organizations in the United Kingdom, that is the Commonwealth Development Corporation, Power Securities Limited and the East African Power and Lighting Company, but the money is from the United Kingdom. It is a loan.

The Deputy Speaker (Dr. De Souza): I think that is quite clear.

Mr. Ngala: Mr. Deputy Speaker, Sir, I am very grateful to the Minister for making it quite clear that eventually it will be possible for the Kenya Government to take over the industry completely. This is very gratifying indeed, and it was not originally made clear.

Although this has been stated by the Minister, I am just wondering, Sir, whether it is not possible for the Minister to include that very useful aspect.

Mr. Anyient: On a point of order, Mr. Deputy Speaker, this House is an important House, we do not want to be misled deliberately. The hon. Minister has been quoting something here and when I read from above, he said something different, now he does not want me to use that. We do not want to be misled, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): There is no question of this House being misled and if the hon. Minister has misled the House, he will no doubt correct this and apologize in due course. But I think it is wrong for you to take any private paper which belongs to the Minister.

Mr. Anyient: It is not just a private paper.

The Deputy Speaker (Dr. De Souza): If it is not a private paper, then you will have to get your own copy of it. The Minister will explain in due course, I do not think that you should use his copy.

Mr. Ngala: I am so confused Mr. Deputy Speaker, that I do not know where I am, because of the very, very wrong approach by the Minister. But I would like to know why it was necessary for a sovereign country like the United Kingdom to see fit to give this loan through another body and not give it direct to the sovereign state of Kenya. I would like the Minister to explain this; why is it necessary for the United Kingdom, when it gives us loans, to even have more confidence in the East African Power and Lighting Company, which is just a small body in the country and not have as much confidence in the Kenya Government and give the loans direct? The Commonwealth Development Company is also another body, which is a very small body in resources as compared to the resources and the potentiality of this state. Why is it necessary that the loans should be given through these bodies and I am sure that these bodies will place themselves in a position of wanting to perpetuate their entrenchment over the years to come. Did the Kenya Government try to get the loans direct from the United Kingdom or not? I would like to have clarification from the Minister on that point.

We have always said that we are a sovereign country just as any other country and I accept this fully. Why cannot the other sovereign countries recognize us on this footing, even in the matter of giving us loans so that we own the industry direct from the word "go".

The other point, Sir, is that if it is the intention of the Minister that we should have this industry belonging to Kenya and that the Kenya people should own it, why should not a clause to this effect be embodied in the Bill? I would feel that we should feel more secure were we to have this in the Bill as a part of the law so that whoever comes after can see it as a part of the law, apart from just a casual statement by the Minister. As you have seen this afternoon, Sir, there was a quarrel regarding a statement. One hon. Member felt that the Minister said so-and-so, the Minister himself was dragging the piece of paper from the hon. Member. Therefore, a difference of opinion exists based on the statement. I think, therefore, this very much reinforces my requirement for this very useful point to be put in the Bill. The timing for taking over should also be specified in the Bill, so that we may have a feeling of satisfaction over the capital becoming the asset of the country itself.

Mr. Deputy Speaker, Sir, the other point which I wanted to mention was this question of the participation of our people. I would like to know whether the Minister has inserted anywhere a paragraph to enable our people to become big shareholders in the industry, even in the event of the industry belonging to the Government. I do not think my hon. legal friend understands economics at all, so the hon. learned lawyer does not understand at all.

Mr. Deputy Speaker, Sir, I would like also to make it quite clear that I think the Minister is given wrong powers about acquiring land for this purpose. Now, I would like to know under what circumstances and under what legal terms of compensation the land would be acquired under the powers which the Minister is given, because we do not want the usual excuse of "in the interests of the public we are acquiring land". Some of the land is going to be acquired in such areas as Turkana; it is not in the interests of the Turkana that a lot of land should be acquired for electricity when they do not use any of it. Therefore, I think that there should be agreement in the nation as to why and how, what conditions of compensation will be recognized. The Constitution does provide, very clearly, that Government or the Minister can take land, but when he takes it he must give the appropriate compensation and this must be observed throughout the country to give satisfaction to people. I am talking Mr. Speaker, with some experience of some people who have already been disappointed over this question of Government acquiring land. Between Kilifi and Malindi there is a new road, this very Minister is taking land for new roads there and is taking a lot of land a part of the land is mine. Now, the same Minister—

Mr. Mwanjumba: Will the hon. Member declare interest?

Mr. Ngala: I cannot declare interest on this Bill till that I have said is that I have land there.

Mr. Mwanjumba: Where.

Mr. Ngala: Between Kilifi and Malindi.

The Chairman (Dr. De Souza): Since he says that let him declare interest.

Mr. Ngala: Therefore this Minister is using this power to acquire a huge piece of land between Kilifi and Malindi for a road. The road, wider than normal, has taken a lot of land. Some of the settlers around Roka area have almost had their land divided in two, including the hon. Speaker of the Senate. He is having quite a big piece cut away from his land. In the same area, Mr. Speaker, the hon. Member is having a line

[Mr. Gleghoy]

Mr. Speaker, Sir, either, we are told clearly that we accept building a capitalist state in this country, whereby the state will be controlled by the foreign entrepreneurs in this country, the foreign companies. Unless, and until the Government accepts 51 per cent shares, which should be owned locally by the Government on behalf of the people of Kenya, and 49 per cent shares to be owned by the money makers, the entrepreneurs, I still maintain that our Cabinet ought to reconsider its way of approaching the manifesto of our party. If it cannot reconsider the approach to the implementation of the Kanu manifesto, when it comes to the question of industrialization of this country, I believe it will not be very long before the people say our Cabinet has failed to deliver the goods.

The Minister for Works Communications and Power (Mr. Mwanjumba): Consider?

Mr. Gleghoy: No, reconsider.

The other thing I wanted to say is this: Under this particular Bill, land could be acquired by the Government to facilitate the foreign entrepreneur, and it is stated that when the publication of notification that this land will be needed, the owner of that land will have to stop completely from owning it. In other words, this is not compensation for whatever the Government did not negotiate during the period when the publication of the notification was made, and the date of restarting the work by the foreign company. It means exactly that we are trying to facilitate the entrepreneur, and at the same time, suppress the power of the owner of that particular piece of land.

Now, here is a position whereby the Minister ought to reconsider the construction of this Bill. So, it is very clear to the Minister now that reconsidering this means going deeper into the document and making modifications according to the wishes of the House.

Now, the other thing I wanted to say is this: If a particular bit of land is taken, the owner of that land, before the actual work starts, should be allowed to continue disrupting the land for the national good, and the development that would be initiated during the period the notification has been given to him, and the actual starting of the work, should be considered when compensation is being given. There is an attitude, Sir, that African land is badly valued, and it is so because the valuers, as we have had many times in this House, are non-Africans.

Maybe they are not citizens of this country. Consequently, a foreigner would consider all the

time in subverting an African because that foreigner was a master in this country. Now he is no longer a master. It is only human, Mr. Speaker, Sir, that when you deprive a person of his daily bread and butter then that man will not always be happy. If you look at the history of this country you come to a status of Republic, it was not just through mere sweat, but through land, bloodshed, loss of lives, loss of property, so that we could call ourselves free and independent people.

Now, consequently, these people who by virtue of their previous knowledge remain to be the valuers of this land for compensation are bound at any rate to deny the African who might be involved by the fact that this land would be needed for generating electricity, or for a power station. So these things ought to be taken care of by the Ministry of Works, Communications and Power so that we are sure that our people do get a fair share of whatever they own.

The other thing I would like to add is this. Land is not demarcated in all places. Land traditionally owned by the Africans on a basis of a communal ownership ought to be considered in that very light, that it is communally owned and therefore it should not be treated as no man's land. There has been a sort of feeling by the Government who consider parts which have not been demarcated as no man's land, and any Tom, Dick and Harry from any part of Kenya could be deposited in that particular area. I say this in the light of a very bitter experience on the Mwaa Irrigation Scheme which has been detailed by the Ministry of Agriculture as part of a refugee area whereby those who have been evicted by the settlers—

The Speaker (Mr. Slade): We are getting off the Bill now.

Mr. Gleghoy: I am sorry, Mr. Speaker, Sir, what I am trying to emphasize is this, that the Government has adopted an attitude of treating the area, which is communally owned, traditionally accepted, that it belongs to this community, either in the form of claniship or in the form of a tribe. This means African socialism, meaning not economic socialism, not actually socialism on the part of economy but socialism in the way of life, which is wrong—culturally. So claniship does exist and did exist in Kerinyaga and this particular power station which is in the Seven Forks Scheme will involve Kerinyaga Area to a certain degree, because traditionally and culturally the Kerinyaga people did own certain parts which are going to be affected by the Tana River Scheme and the Government should also take into

[Mr. Gleghoy] consideration those old cases that exist when considering compensation.

The other thing I wanted to recommend to the Ministry is that he should aim in encouraging Africans, the indigenous people, to participate in the projects by associating them with shares. The co-operative societies in a particular locality where there is a scheme of this nature, that there is a scheme of union should be associated with whoever is going to be the entrepreneur or the business magnate who is going to undertake that project so that people feel that they are part and parcel of the development movement within the country, but not just mere looking on at things which are foreign to them being conducted again by foreign hands all the time. We must change from the past and accept the real changes. If some of our Cabinet Members have never been decolonized then they must accept decolonization, and for that matter, Mr. Speaker, Sir, the Lambara Institute should be a very good place for a rehearsal.

Another thing I wanted to say is this, when electricity has been generated it should really be given to the social services, one of these social services is the hospital, the other one is the health centre. These are the places where we need electricity very badly. The other thing, is schools in the small towns. There is a tendency on the part of the Government to encourage development only in places where there was development during the colonial régime, and this again makes people ask themselves, are we still in the colonial trap, whereby only the better facilitated persons get the benefits or are we moving towards a society which needs encouragement, which means decolonization.

Now it should be the duty of the Government to see to it, that the small towns are provided with electricity. These small towns need then be in a position to create not only employment but also skill. It would create skill among the Africans, who in the past were told that they were incapable of understanding anything. Apparently we are now in a position of even creating engineers, yes, creating them by putting students into colleges, they are trained and they become engineers. That is a human creation. They were not born engineers. They have been trained, whence they become a by-product of our creation.

Now, Mr. Speaker, Sir, if we are to develop the rural area, the Government must consider giving us electricity in the rural places of course, as far as possible, 50 per cent of the thing in the capacity of the Minister for Electricity or

Power, Works, Communications and Power, should be concentrated towards improving the village life, making it more modern than it is today. So, Mr. Speaker, Sir, if the Minister accepts consideration of those points I do not need to waste the time of the other Members.

The Speaker (Mr. Slade): Hon. Members are not allowed to say that.

Mr. Gleghoy: Mr. Speaker, Sir, some Members have said I am wasting time, but I am going to proceed.

An hon. Member: So that you can waste more time.

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

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

Mr. Gleghoy: Mr. Deputy Speaker, Sir, I am not approaching this scheme on the basis of the needs for the area. The need for let us say, Machakos, which is very adjacent to it, Kitui, Kerinyaga and Embu District. These districts must be given top priority, whether they are incapable of meeting the costs of running or maintaining electricity, they must be given a push. Many times they have been helped by facilitating certain backward areas to develop, and unless the Government now considers giving us a push on this particular project then we shall say that our Government is partially parochial in its own approach, and these, Sir, are the very fundamental things which the Minister should consider. We shall be very happy if only he could just examine the needs and requirements of those districts, so far electricity is concerned.

We are happy that this one is coming up and perhaps more projects of a similar nature will be brought forward by the Ministry of Works, Communications and Power.

With these few words, Sir, I reserve my voting until things are clarified.

Mr. Ngala: Mr. Deputy Speaker, Sir, I intend to say only a few words on this Bill.

Firstly, this Bill is a retrogressive step because, while our neighbouring countries, such as Tanzania and Uganda, are considering the taking over of electric companies and making them assets of the country themselves, our Minister is struggling to boost the overseas capital as much as possible at this late stage. Therefore, I think, in principle, the Bill is wrong. It is wrong because it is aiming at boosting foreign capital and giving no chance to our people in the matter of the economic building of the country. I understood the Minister to say that our contribution would be

[Mr. Mwangandi] to have the quorum instituted in this Sessional Committee.

Again, it is very important that in this Sessional Committee we have our representative who is the Chairman of the Back-benchers or the Secretary of the Back-benchers. I wonder if there is time, Sir, and if it is in order, I may be permitted, not to amend the Motion, but to add to this Motion, that the hon. Wariithi or the Secretary is added to this Sessional Committee to represent our views as our Chairman, failing that the Secretary of the Back-benchers.

With those few remarks, Mr. Speaker, I beg to support and add, that our Chairman of the Back-benchers, or his Secretary, be added to the Sessional Committee.

The Speaker (Mr. Slade): I am afraid Mr. Mwangandi, you must give me notice of that amendment in writing. If you care to put it in writing and get some other Member to move it it can be proposed at a later stage.

Mr. Anyien: Mr. Speaker, I do not think there is much to be said here because when the original Motion was discussed the Assistant Minister to the Office of the Vice-President did consult the Back-benchers in connexion with the Chairman and the Vice-Chairman. When we went there we tried to tell the Assistant Minister that some names of certain Ministers should be withdrawn. This proved to be difficult because after a person's name has appeared it could not be withdrawn because it would be unfair to remove it.

However, the point I would like to make here and which is very important is this: what is important is attending the meetings of the Sessional Committee. We are told by members of the Sessional Committee that sometimes you can hardly get four people to attend; sometimes there are only about three or four people present. The only thing I would like to say to the Back-benchers here is that they should see to it that the Back-benchers who have been nominated to sit on this Committee should attend because if the twelve Back-benchers do attend I am sure all the Ministers will not always be present and in this way the Back-benchers could be in the majority. This was stated by the Chairman at the meeting of the Back-benchers which was held last week. I can see that the two Back-benchers who are here—are the people who can bring back reports to us, as to the proper conduct of the Committee and the views of the Back-benchers. I see Mr. Kagin who is the Secretary, I am the Vice-Chairman of the Back-benchers and the hon. Mr. Ngala is the Treasurer of the Back-benchers.

If we try and attend all the meetings and we find difficulty in getting what the Back-benchers want done then we shall report back to the Back-benchers and tell them we do not have a voice and they can then bring another Motion to this Parliament so that we can increase our number of Back-benchers.

With those few remarks I wish to support the Motion.

Mr. Tuwei: Mr. Speaker Sir, I have only one point to make. In this list of nominated Members to the Sessional Committee, the Government Chief Whip is there but we do not see that an assistant is included. This means that sometimes Mr. Kali may not be there and I would like the assistant to be included to represent him when he may not be available.

That is the only point I would like to make on this Motion. Otherwise I do support it.

Mr. Godin: On a point of order, Mr. Speaker, since we have heard the views of both sides, I now propose that the Mover be called upon to reply.

(Question put and agreed to)

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): I am happy to see that only a few objections have been put forward to this new Motion by Members and I will try to deal with all of them.

According to Standing Orders the Chairman of this Committee is named in this House. That is what we are asking Members to do by agreeing to the Motion. I would like to mention to the hon. Member who raised the question of Chairmanship that I do not think he has a special desire to remove the Vice-President from the Chairmanship. The Chairman of the Sessional Committee has no casting vote but he has an original vote.

Another Member raised the problem of my Ministry not consulting our Ministerial Committee. Let me say here, Mr. Speaker, that our Ministry is more than happy to work with our Ministerial Committee. However, I would remind the hon. Mr. Oduya that in the debate which arose as a result of the last Motion, the one that the House rejected, nearly all the criticism was with reference to the Back-benchers and not to any Ministerial Committee. So, the Government naturally took care of the objections. I would assure the House, with regard to other business of our Ministry, that we will be happy to work closely with our Ministerial Committee. I am sure that hon. Members here would welcome such an assurance. Somebody mentioned the fact that

[The Assistant Minister, Vice-President's Office] there were no additional Back-benchers, but as you see, of course, we have added two Back-benchers, namely, the hon. S. M. Amih, and the hon. J. P. Lorena.

Looking at the composition of the Sessional Committee, Mr. Speaker, I think, as the hon. Anyien said on this, all the places in the country are now taken care of, all opinions are taken care of, and I do not suppose that Members want the Government opinion not to be taken care of, because that would not be a proper Sessional Committee.

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

(Question put and agreed to)

BILL

Second Reading

THE ELECTRIC POWER (AMENDMENT) BILL.

(Minister for Works, Communications and Power on 17th February 1965).

(Resumption of debate interrupted on 17th February 1965)

Mr. Gichoya: Mr. Speaker, I was speaking on 17th February, before we closed, and very briefly I wish to continue with my discussion on the Bill.

One thing I made clear the last time I was speaking here was that it is immorally wrong, and even politically wrong to tell the country that we are moving to socialism, and when it becomes a question of industrial undertakings within the country, foreign companies are given more or less the whole monopoly, which in actual fact, amounts to the same thing as it was during the colonial period.

Every single person, Mr. Speaker, did anticipate a change when Kanu came into power, when Kanu accepted to join Kanu, and that change was not just a mere political change or amalgamation by putting the two parties together, but it was meant that Kadu had accepted the Kanu manifesto, which says that we are going to adhere to socialism. Of course, it said African socialism, but there has never been a protest in this country, Sir, or elsewhere. Tom Mboya has written a book clearly showing the approach to the African socialism. What we know is that there is already accepted principles of socialism, and as a State Kanu should accept unreservedly the accepted international

QUORUM

Mr. Anyien: On a point of order, Mr. Speaker, is it in order, when the hon. Member is making such a good speech, to speak to an empty House, while all the Members have gone out? Is there a quorum?

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. You may proceed, Mr. Gichoya.

Mr. Gichoya: So, Mr. Speaker, what I was trying to say was this. The Members of the Cabinet should translate, and for that matter, the Minister concerned with power and electricity in this country, the Minister for Works, Communications and Power, and the spiritual acceptance applied in this country, and put it into a practical form. We have accepted the spirit that Kenya will be a socialist state.

Mr. Speaker, it is under the signature of the Father of our Nation, that Kenya in terms of economy, would be on socialistic patterns of society. But socially, you can marry two wives, three wives, four wives, and culturally, you can maintain the Wakamba standard, the Kikuyu standard, which amounts to the African way of life. In other words, culturally, we have accepted the African way of life. But, economically, it is clearly stated unless somebody wants to prosecute what has already been stipulated in writing, by the Kanu secretary and accepted by the Voters, that we accept the African socialism, socialism in terms of economy, and Africans in terms of culture. These are two clear things which need no more argument.

Now, we are told by the Minister that Kenya Government, as a socialist state, is moving against buying 35 per cent shares in this particular project, which is the Tana River Hydro-Electric Project, whereas in the East Africa Power and Lighting Company, we had 25 per cent shares. Of course, that shows that the colonialist régime was more socialistic than the Republic of Kenya. The colonial régime was moving towards socialism, and the Republican Kenya is moving backwards to capitalism. In actual fact, Mr. Speaker, we have in ages past been a socialist people.

I will give a very good example, Sir, of the Masai. No member of the Masai community here can claim that ten years ago, he had so many acres of land as he has now. The whole lot used to be owned communally by the community. So, consequently, that is a socialistic approach.

[The Assistant Minister, Vice-President's Office]

The hon. Z. M. Anyieni.
The hon. B. Kaggia.
The hon. J. D. Kall.
The hon. M. Kibaki.
The hon. M. Muliro.
The hon. J. K. Ndile.
The hon. R. G. Ngala.
The hon. J. J. M. Nyagah.
The hon. T. Okelo-Okogho.
The hon. J. C. N. Otogo.
The hon. A. J. Pandya.
The hon. J. M. Shikuku.
The hon. J. K. ole Tipis.
The hon. S. M. Amin.
The hon. J. P. Lorema.

Mr. Speaker, in moving this new Motion, I do not have much to say except to explain to the Members that in fact we have attempted to take care of the criticisms levelled against the original Motion moved on the 27th February. Members of the House thought then that the Sessional Committee was heavily weighted on the side of the Government because they said there were too many Ministers and too many Assistant Ministers. They also raised the problem of the North-Eastern Region and the northern part of this country, and it was felt that the opinions of the representatives from those areas should be heard in the Sessional Committee. We have accordingly, Mr. Speaker, taken the trouble to add on to the Sessional Committee list, the hon. S. M. Amin and the hon. J. P. Lorema who were not originally proposed on the original list. We have also gone to the extent of having discussions between the Government and the Leaders of the Back-benchers, the Chairman and the Vice-Chairman. We have the impression that they were in general agreement with this new Motion. The Government has attempted to put equal numbers on both sides and in fact, when you come to think that on the Government side the Vice-President acts as Chairman, you could argue that the Back-benchers have one more Member than the Government. Normally, unless the matter is very controversial, I do not imagine that the Government would want to interfere.

So, Mr. Speaker, in this new Motion, we have attempted to accommodate the feelings of the Members of this House, and I now hope that the Members will be much more agreeable to approve this new Motion.

Mr. Speaker, I beg to move.

Mr. Warlithi seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir—

Mr. Warlithi: On a point of order, Mr. Speaker, I was seconding the Motion.

The Speaker (Mr. Slade): You have seconded formally.

Mr. Warlithi: No, I meant to second by speaking on the Motion.

The Speaker (Mr. Slade): I am sorry, I thought you sat down again. Never mind, you have a chance of speaking still. As soon as Mr. Ngala has finished, you will be given your chance to speak.

Mr. Ngala: Mr. Speaker, I would like to congratulate the Assistant Minister for bringing our attention to the criticisms which were given when this Motion first came to the House. We opposed and criticized it because we did not see a proper coverage of the opinions represented in this House. I see that this has been given much attention now and therefore we are very happy that the Assistant Minister has borne this in mind.

Another point I would like to mention is that I would like to ask whether it is normal procedure for the Chairman who is the Vice-President on the Committee to have a casting vote or not, because this would affect the balance between the Back-benchers and the Government. Therefore, it is a matter of some importance to us.

Now, Mr. Speaker, Sir, I would like to say that we find we are satisfied with the present representation.

I support the Motion.

Mr. Warlithi: Mr. Speaker, Sir, I would like to say that the Sessional Committee is a very important body of this House and we, the Back-benchers, are very satisfied with the way in which the Government has acted in this matter. The thing is that this policy is the one that should be followed, so that no other important matter is affected. We feel strongly that the matters which concern us in this House will not be neglected.

Also, I would even go further and say that the Government should take a lesson from this incident. If the Government does certain things without consulting us something is sure to go wrong somewhere.

With these few words, Mr. Speaker, I wish to support.

Mr. Oduya: Mr. Speaker, my hon. friend is worried that I am going to oppose the Motion.

Although I agree with the set-up, I would like to object to one thing: that we did all agree with the suggestions. All I know is that two

Mr. Oduya

were called to the meeting. However, previously I was approached by one of the Assistant Secretaries in the Vice-President's Office and I was told that they were going to call a Ministerial Committee which would help the Committee to select the best names for the Sessional Committee, names from the Ministers as well as the Back-benchers. Even though the set-up is more or less fifty-fifty I do not see how it is going to help. The names are still the same as those in the previous Motion.

Mr. Speaker, Sir, I want to warn the Assistant Minister in this Ministry that in future when there is a matter like this the Ministerial Committee which has been selected to work with the Office of the Vice-President, the Assistant Minister in that particular Ministry, sitting as Chairman, must be well informed in order to enable him to deal with such matters adequately. This is not a matter for the Back-benchers, it is a matter that has been— A lot of things have been said in the past; if there is anything about agriculture they say the Ministerial Committee for Agriculture should deal with it, if there is anything that concerns the Attorney-General's office then that Committee should deal with the matter. There should be proper machinery to effect these matters.

I wonder why the Assistant Minister and his Minister have not found it necessary to conduct the Ministerial Committee properly and tell these people what to do. There are a lot of names from which the Members could be selected. I object to some of the names appearing here on the Sessional Committee. Some of them are only rubber stamps who will never bring out the Motions which are really of interest to this House, the Motions which are required to be dealt with.

Mr. Ngala: On a point of order, Mr. Speaker, is the hon. Member in order to refer to the names of hon. Members as mere rubber stamps?

The Speaker (Mr. Slade): No, you cannot do that. You must withdraw that statement, Mr. Oduya.

Mr. Oduya: I withdraw, but anyway I know— Normally, we know that very well but anyway I was just saying that—

The Speaker (Mr. Slade): Oh, no, you must withdraw.

Mr. Oduya: I was just ending—

The Speaker (Mr. Slade): What was that you said about "knowing that very well"?

Mr. Oduya: I was saying in ending my speech— I meant that I knew I was wrong and that is what I said.

Mr. Speaker, on the whole I accept the Motion but in future, perhaps when we come here next year, another Committee is appointed, I hope the Ministry will trust us and inform us before further arrangements are made.

Mr. Kerich: Mr. Speaker, I have only a few remarks to make. I think I am going to oppose this Motion. The last time we opposed this Motion we thought that the Minister was going to increase the number of Back-benchers. However, we see that there are twelve Back-benchers and twelve representatives from the Government. Since the Back-benchers are in the majority, Sir, I thought the Back-benchers should have more people on this Committee.

Also, I see here that the Vice-President has made himself the Chairman of the Committee. Democratically, Mr. Speaker, it is the Members who should elect their Chairman when they meet. In this case it is an utter fallacy.

Another thing is that I see that there is only a Chairman and not a Vice-Chairman. If the Chairman is not present who is going to preside over the meeting of the Sessional Committee?

So, Mr. Speaker, I think that with these few remarks I would remind the Vice-President to go back and do some homework and bring the same Motion in the proper manner.

Sir, I wish to oppose this Motion very strongly.

Mr. Mwanzandi: I am going to support this Motion in accordance with your ruling that it is in order, that it should appear within six months' time, but I have a few remarks which I would like to be observed.

It has been a custom of Members of the Sessional Committee that most of them do not attend these meetings, as a result of which there are only a few Members, even two sometimes, who have been attending. I would like to know, Mr. Speaker, if a Member does not attend for more than a stated number of meetings would the House be qualified to appoint another man to replace him? One thing which is important is the quorum of this Sessional Committee. The quorum is always very important because sometimes as we see the Ministers who may be in Nairobi at the time of the meetings have a majority of one. So, the quorum is very important because we may find that if the Ministers plus the Vice-President do attend the meetings then the Back-Benchers may not be well represented, and as a result of this it would be good

[The Assistant Minister for Finance] that the Supplementary Appropriation Bill be now read the Third Time.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.
(Question proposed)

Mr. Gichoya: Mr. Speaker, Sir, yesterday, when we were discussing the Supplementaries, we more or less were forced to adjourn and leave over certain Ministries requiring certain moneys. It has been a worry to more or less all our Members, particularly myself, to find that we have got a Ministry of Economic Planning, a Ministry which does not plan for other Ministries, a Ministry which does not have a machinery like a planning commission. Now it becomes a sort of indication of perhaps what happens in other countries that we should have a planning machinery, and a Minister specifically paid for that.

I personally feel, Sir, that unless something is done to make the Ministry of Economic Planning a sort of institution capable of planning for all the Ministries, it will be ridiculous to have a Minister, paid from the common man's contribution, so as to have a Minister for Economic Planning.

Today, Sir, I personally feel that there is no true planning in this country. This Ministry feels that, "Well, what sort of things can be done?" and the Minister himself used to be the Minister for Economic Planning. He does not question things, since he is there—this is what I understand—for other co-ordinating purposes. If my expressions are not very good, I beg the Minister just to follow the meaning. I am not an Englishman anyway. The problem here is this. We have been told about and we have made our people believe, in African socialism. This involves, Sir, a kind of an ideological approach, a planned approach, not just a chaotic approach. Today you find the Ministers under African socialism—

The Speaker (Mr. Slade): I think you are taking the wrong opportunity for this, Mr. Gichoya.

Mr. Gichoya: The Ministers who in the name of African socialism, which is supposed to be a part of a planned socialism, provide dozens and dozens of acres to replace the former settlers and yet we are told that this is really African socialism—

The Speaker (Mr. Slade): I must get clear what you are driving at, Mr. Gichoya. This Bill, as you know, is to give effect to what has already

been agreed in the Committee of Supply. Hon. Members are not completely debarred from raising on the Bill itself, on the Second Reading or even Third Reading, the subject matter of the Bill, but we cannot go very far again on the Bill when the House has already voted that this money shall be spent. You are really very limited in what you can talk about. It seems to me that you are trying to find an opportunity to go a long way beyond the subject of the Supplementary Estimates, let alone the Bill.

Mr. Gichoya: Mr. Speaker, Sir, in ending I will say this. We have approved the money to be spent by the Ministries of our Kenya Government, but the Ministry for Economic Planning with all the personnel given by the Government and which we have already voted for, should now aim at planning, not just mere theorizing here and telling us we are planning yet they are not, but only encouraging the sort of racial fear policy in the country.

Mr. Speaker, Sir, I support the whole thing, but I suggest that the Minister must be a practical Minister and not a theoretical Minister who actually has no responsibility.

Mr. Anyieni: Mr. Speaker, Sir, on the first Schedule, No. 7, I see that the amount required in the year ending 30th June 1964, for the salaries and expenses of the Ministries—

The Speaker (Mr. Slade): I am sorry, Mr. Anyieni, I am not able to hear you.

Mr. Anyieni: Thank you, Mr. Speaker. I see that No. 7 of the first Schedule; there is only £1 set aside to pay people working in the Ministry of External Affairs, including Kenya's missions and general service overseas, subscriptions to certain international organizations and contributions in lieu of rates in respect of foreign missions in Kenya and expenses for the Organization of African Unity. I do not understand how £1 can do all this work. We would like somebody to stand up and give us a small explanation as to what is going on.

Secondly, I do not know, Mr. Speaker, whether I can say something here about the Organization for African Unity in connexion with that £1. Would I be in order?

The Speaker (Mr. Slade): As regards your first question, you should refer back to the Supplementary Estimates. You will find all details of the Bill explained in the Supplementary Estimates.

Mr. Anyieni: Thank you, Mr. Speaker, if £1 all the money which is required to run the Organization for African Unity?

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I will call upon the Assistant Minister to reply—

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I did not intend to intervene, nor did I think it was necessary to have a debate, but the hon. Member for Gichoya has very original ideas, I think the most curious political and ungrammatical ones. We have the Motion coming soon and I will reply to him in due course. In the meantime, merely to ensure that there is more appreciation of the machinery set up, I will make the observation that in fact the Ministry for Economic Planning plan for all the Ministries and co-ordinates all their activities. I would have thought that was pretty obvious to the hon. gentleman.

The Speaker (Mr. Slade): Mr. Okelo-Odongo, do you wish to reply?

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I only want to reply to one point which was raised by the hon. Member, Mr. Anyieni. I think that he has been at the House long enough and that he has seen these estimates and things for £1 here and there, and he should know by now that the £1 is only used as a token. There is an explanation on page 1 of the Supplementary Estimates which has already been discussed. This explanation is there at the bottom of the page and it says, "That the whole of the above expenditure will be covered by savings within the Vote." A token provision of £1 only is required in order to rearrange the estimates in the light of experience gained in the running of this new Ministry.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

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

APPOINTMENTS TO THE SESSIONAL COMMITTEE

Mr. Mwangandi: On a point of order, Mr. Speaker, Sir, it is provided in our Standing Orders that any matter discussed in the House shall not be discussed again within six months. I would like to know the reason why this Motion No. 9 should be brought again to this House, yet the six months' time has not yet elapsed. I see a few changes in this Motion, but the substance of the Motion is all the same, so, Mr. Speaker, Sir, the

House would like to hear your ruling as to the reasons why this Motion should not be brought after six months.

The Speaker (Mr. Slade): The hon. Member is correct in referring to a Standing Order which precludes a Motion on a subject which is the same in substance as a matter already decided by the House; except that, with the consent of the Speaker, there may be a Motion to rescind the previous decision.

In my view, this Motion is not the same in substance as the previous Motion. The main objection of the House to the previous Motion was the balance as between Members of the Government, including Assistant Ministers, on the one hand, and Back-benchers on the other hand. It was the actual personalities proposed for the Sessional Committee. That plan is altered by this Motion because two more Back-benchers have been added, so there is an equal number instead of a majority of Members of the Government. This is the substance of the Motion for the appointment of Members for any committee. The actual choice of Members to be appointed obviously is different policy, different numbers, and different balance. It is not the same substance. If in fact it was the same substance, then having rejected one Motion for the appointment of the Sessional Committee, we could never have another one, even if we wanted a new Sessional Committee consisting of different people.

I therefore consider that the Motion is in order.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move:

THAT this House nominates the following Members to be Members of the Sessional Committee to replace those nominated to the Committee on the 27th February 1964:—

The Vice-President (Chairman).

The Minister for External Affairs.

The Minister for Economic Planning and Development.

The Minister for Internal Security and Defence.

The Minister for Local Government.

The Minister for Information, Broadcasting and Tourism.

The Minister for Home Affairs.

The Minister for Co-operatives and Marketing.

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

Mr. Shikuku: In view of the need for the Maendeleo ya Wanawake in the area, is the Assistant Minister going to sit down and just forget about the problem facing the women in Kakamega, without applying the *Harumbee* spirit to try and collect some funds for the Kakamega Maendeleo ya Wanawake?

Mr. Odera-Jowi: Mr. Speaker, I think that is the responsibility of hon. Members too.

Mr. Muruli: Is the Assistant Minister not going to encourage the Maendeleo ya Wanawake to urge education and as such surely the Government must take vigorous steps to see that this training centre is reopened?

Mr. Odera-Jowi: This is undertaken by Government but as this comes under the county council, I can do very little. This is the Ministry of Labour and the question should be directed to Ministry of Local Government.

Question No. 800

CONFISCATION OF PRIVATE IMPORT LICENCES

Mr. Dindira, on behalf of Mr. Balala, asked the Minister for Commerce and Industry if the Government had considered confiscating all privately held import licences, so as to enable the Government to be the sole responsible body for importing goods into Kenya.

The Assistant Minister for Commerce and Industry (Mr. ole Ololipili): Mr. Speaker, Sir, I beg to reply. Import Licences are issued for specific imports for scheduled commodities and are not general licences to import, so that the question of confiscation does not arise.

The suggestion that Government should be the sole responsible body for importing goods into the country implies that the whole of our import trade should be nationalized. This is not Government's intention. The hon. Member will, however, be aware that the Government will be launching the Kenya National Trading Company, which I hope will control a sizeable portion of both the import and the export trade.

Mr. Shikuku: Arising from the Minister's reply will he not agree with me that the question suggests a means whereby the trade will be controlled by us, the Kenya people of this country, the blacks like myself to have the control of the trade and therefore the Government should consider this question?

Mr. ole Ololipili: Mr. Speaker, Sir, if the hon. Member had listened carefully to my reply, he

would have noted that I have already stated that the Government is already launching a Kenya National Trading Company which will be responsible for controlling a sizeable portion of the import and export trade, Sir.

Mr. Tuwei: Would the Assistant Minister tell us whether it is provided in the provisions to import goods into the country by licences and could we now retaliate by not allowing licences in respect of goods which come and go?

Mr. ole Ololipili: Mr. Speaker, Sir, I do not understand that question.

NOTICE OF MOTION FOR THE
 ADJOURNMENT

BAN OF PUBLIC MEETINGS IN MURANG'A

The Speaker (Mr. Slade): We will move on to the next order anyhow. Before the next order I would like to remind all hon. Members that Mr. Rurumban is to raise a matter on the adjournment as noted on the Order Paper. Since yesterday's adjournment prevented Mr. Kagga from raising a matter on the adjournment yesterday, I have fixed tomorrow evening for him to raise the matter of a ban on a meeting at Murang'a.

BILLS

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL

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

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill, be read a Second Time.

Sir, I would like to point out that the Supplementary Appropriation Bills have, in the past, had the effect of granting additional supply. The House will have observed during the Committee of Supply discussions on the Supplementary Estimates that the ministerial and constitutional changes which took place last December have necessitated the recasting of certain Votes so as to reflect changes in ministerial responsibilities. Consequently, Votes 11, 12, 13, 14A and 19 manifest savings in relation to services transferred elsewhere. The money could have been from administratively, but this procedure would have

[The Assistant Minister for Finance]

entitled the Minister having to ask this House to vote additional money when, in fact, certain Ministers' Votes would be showing provision which could not be used towards the relevant expenditures. A new section 5 has therefore been added to the Bill so as to enable the House to reduce supply to facilitate the use of the money so released towards meeting the additional supply asked for in sections 2 and 3.

I take this opportunity therefore, Sir, to ask the House to vote an additional 2, as well as the reduction from the authorized supply so that the net result will be as shown in the Supplementary Estimates which the House has already approved.

Sir, I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Question put and agreed to)

(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 (Dr. De Souza) took the Chair]

THE SUPPLEMENTARY APPROPRIATION BILL

(Clauses 2, 3, 4 and 5 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

The Chairman (Dr. De Souza): I will put the question on clause 1—

Mr. Gichoya: On a point of order, Mr. Chairman—

The Chairman (Dr. De Souza): Let us just finish the voting. Mr. Gichoya: I think I will take the vote again.

Were you raising a point of order on the voting?

Mr. Gichoya: A point of order, Mr. Chairman—

The Chairman (Dr. De Souza): On the voting?

Mr. Gichoya: Yes.

B 15-16 pp.

The Chairman (Dr. De Souza): Is it relevant to the voting?

Mr. Gichoya: Yes.

The Chairman (Dr. De Souza): All right.

Mr. Gichoya: Mr. Chairman, the relevant part of my point is this, that so far as regards this Bill, which is now passing through Committee stage, I doubt whether we have got copies of it.

The Chairman (Dr. De Souza): Oh, I am afraid you are quite out of order, because it is up to you to decide to go and get your own copies if you have not got them already. It certainly has got nothing to do with the taking of a vote. I think it was explained to you by the hon. Assistant Minister just now that this is a Supplementary Appropriation Bill which, in fact, confirms into law what the House has been discussing in the Supplementary Estimates. If you do not have your copy, you cannot interrupt in the middle of the voting, just because you have not got your copy. I mean, this is most irregular.

Anyway, I will put clause 1 to the vote again. (Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation Bill and its approval of the same without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Report and Third Reading

THE SUPPLEMENTARY APPROPRIATION BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Supplementary Appropriation Bill, 1965, and its approval thereof without amendment.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move

[Mr. Osoyo]

know from me, then that is not so at all. I say it is not. But we have found that it is very expensive for a farmer in the rural areas to keep a grade bull, so what we are doing is setting up several stations with grade bulls from which the semen could be easily and cheaply obtained and supplied to farmers.

Question No. 800

CONFISCATION OF PRIVATE IMPORT LICENCES

The Speaker (Mr. Slade): Is there any person authorized to reply on behalf of Government?

Question No. 806

FISH-CANNING FACTORY AT LAKE VICTORIA

Mr. Ngala-Abok asked the Minister for Natural Resources and Wildlife what he planned to do to improve the fishing industry in Lake Victoria on modern lines with a view to establishing a fish-canning factory there.

The Assistant Minister for Natural Resources and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. The Lake Fishery Service was reopened in November after having been closed for one year. During this period of one year, no information was available on the increase or decrease of fish stocks in the lake. Now that the service has been re-established, we expect to receive information about the existing fish stocks. It will only be after getting such information that I can consider detailed proposals for modernization of the industry.

Regarding the establishment of a fish cannery, I must point out that a cannery is only of economic value where a very large surplus of fish cannot be sold anywhere else. The costs of processing are very high so that fish sold for canning would have to be sold at a very much lower price than that fetched from the sale of fresh fish. As yet, there is no need to consider the establishment of a fish cannery for Lake Victoria, as there is ample scope for the quick sale of all fish produced by the Lake Victoria fishermen at the present time. However, my Minister will visit Nyanza Province this week so that he can see for himself, on the ground, what possible developments can be undertaken in the Lake Victoria Fisheries. The Minister will also reopen the Nyanza Fisheries Office which was closed down by the Economic Commission.

Mr. Agari Mr. Speaker, Sir, arising from the Assistant Minister's reply that canned fish from

the lake would be uneconomic, would the Minister consider seriously, as fresh lake fish is very popular when fresh, introducing assistance for fishermen so that fresh fish can be preserved and transported as widely as possible in Kenya?

Mr. Mohamed: Mr. Speaker, Sir, my Ministry is very actively considering this proposal. At the moment, we have three teams working here in Kenya, one is from the United Nations and is working in Mombasa, but, Mr. Speaker, we have a fisheries biologist who has been lent to us through the United States Aid Programme and, tomorrow, another United Nations expert is coming to look into the proper marketing and organization of fisheries so that we can assist the fish industry as far as possible.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Assistant Minister tell the House whether he is aware that there are many ways of breeding fish artificially rather than waiting for nature to produce sufficient fish in the lake concerned?

Mr. Mohamed: I am aware of that, but as I said, we have three teams of experts here who are carrying out surveys and I am sure that, if what the hon. Member says is right, they will put this into their recommendations and then my Ministry will certainly look into it.

Mr. Shikuku: Arising from the Assistant Minister's reply, Mr. Speaker, is he aware that fish in some parts of Kenya is considered just as valuable as one cow to a family and, as such, there must be immediate action taken because the people consider fish as valuable as a cow in the Lake Victoria area?

Mr. Mohamed: Mr. Speaker, Sir, my Ministry is very much aware of the value of fish and we are also very keen to develop the fisheries and, for this purpose, the Government has decided to organize the marketing of fish on a properly organized basis. For this reason, we will form three marketing boards very soon, so that the organization of fisheries can be developed on a proper basis.

Mr. Okwanyo: Mr. Speaker, Sir, is the Minister aware that the new type of tilapia put into the lake recently is eating all the smaller fish in Lake Victoria and that very soon we will have no smaller fish in the lake?

Mr. Mohamed: Mr. Speaker, Sir, I am not aware that the tilapia is eating all the small fish, but certainly I will have this point recorded and when the experts come to investigate the situation in Lake Victoria, this matter will be looked into.

Question No. 809

HALF-CASTES REGISTERED AS KENYA CITIZENS

Mr. Kerich asked the Minister for Home Affairs the number of half-castes (coloured men) who had registered as Kenya citizens.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. Records of persons registered as citizens of Kenya held by the Department of Immigration are based on nationality and not race, and it is not possible to tell from these records the number of half-caste persons who have been registered as Kenya citizens.

Mr. Kerich: Mr. Speaker, Sir, my question is about half-caste (coloured men). May the Minister tell us the breakdown of these whites, Indians and, particularly, coloured men and women?

Mr. arap Moi: Mr. Speaker, Sir, I would like to hon. Member to listen very carefully. I said that the records of persons registered as citizens of Kenya held by the Department of Immigration is based on nationality and not race and it is not possible to tell from these records the number of half-caste persons who have been registered.

Mr. Kerich: Mr. Speaker, Sir, if the Minister is not willing to answer my questions, may he assure the House that these coloured men will not behave as superior beings?

The Speaker (Mr. Slade): Will you speak in a more even tone? It would help the Minister here.

Mr. Kerich: May I put my question in a more even tone? Will the Minister assure us that that these coloured men will not claim to be superior beings among Africans?

Mr. arap Moi: No, I can give no such assurance; it is not relevant and is an entirely different question.

Mr. Mbogob: Mr. Speaker, Sir, arising from the Minister's reply, is he telling the House that the Kenya Government has stopped making lists of people of different races so that in Kenya we do not know whether anybody is brown or black or if they are all Kenya citizens?

Mr. arap Moi: Mr. Speaker, Sir, my Assistant Minister answered last week question No. 807, as a result of the question which came from the hon. Member who wanted to know how many non-Africans have registered as Kenya citizens. With this in view, it was pointed out that the number of non-Africans who registered

themselves as Kenya citizens were 3,911. Out of those, 421 are Europeans and 3,490 are Asians and, using common sense, if there is any coloured man or coloured woman who has registered herself or himself, they must fall into either a European or an Asian category.

Mr. Sol: Mr. Speaker, Sir, would the Minister tell the House whether the coloured person borne by a white woman is different—

Several hon. Members: Please, forget about that question, sit down.

Mr. Sol: Mr. Speaker, Sir, I repeat my question. Mr. Speaker, Sir—

The Speaker (Mr. Slade): I am afraid not, Mr. Sol. We cannot have hon. Members asking a Minister what another hon. Member meant by his question. We do not care what the view is.

Mr. Ngala: Arising from the Minister's reply, Sir, could the Minister tell the House whether there is any class of coloured persons exempted from registration for citizenship?

Mr. arap Moi: No, Sir.

Question No. 814

CLOSURE OF KAKAMEGA HOMECRAFT TRAINING CENTRE

Mr. Murelli asked the Minister for Labour and Social Services if he would give the House the reasons that led to the closure of the Kakamega Homecraft Training Centre.

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to reply. The Kakamega Homecraft Training Centre is the responsibility of the Kakamega County Council. That is, the centre is financed and administered by the council.

I am informed by the Clerk to the Kakamega County Council that the centre was closed due to financial difficulties. I understand that, since the hon. Member for [Kilomani] introduced this question, there has been one course for women leaders held in the centre. This ten-day course was paid for by donations by the women. I am also informed that the Training Centre is unlikely to open on a permanent basis until more money is available.

Mr. Murelli: Is the Assistant Minister aware that this is the only women's training centre in Kakamega District and we should not allow it to close?

Mr. Odera-Jowi: As I have just said it is the responsibility of the Kakamega County Council.

Mr. Omweri: Arising from the Assistant Minister's earlier reply, I would like him to tell this House whether that was a transfer to the East African University or whether he resigned from that department and took up a job elsewhere?

Mr. Osogo: Mr. Speaker Sir, Mr. Wandera went on leave, three months leave, on 1st December 1964, and tendered his resignation immediately he took his leave. His leave ends on 11th of this month, after which he is taking up the appointment with the University College of East Africa.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 805: REMOVAL OF MR. WANDERA FROM KABETE

Mr. Ngala-Aboki: Mr. Speaker Sir, on a point of order, when the Assistant Minister replies to this question, I thought that it was the Ministry that transferred Mr. Wandera to this University to give the lectures there, but now I find my dismay that due to other factors, Mr. Wandera resigned from the Ministry to go and give lectures at the University. Can I raise a Motion on the Adjournment?

The Speaker (Mr. Slade): Yes.

ORAL ANSWERS TO QUESTIONS

Question No. 813

COMPENSATION FOR COTTON GROWERS: WRONG SEED

Mr. Nyallick asked the Minister for Agriculture and Animal Husbandry whether he could tell the House what arrangements were being carried out by the Government to compensate cotton growers in the Winam constituency, as a result of the seeds supplied by the Ministry not being the kind that could be grown in the area.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. No arrangements have been made for the compensation of the farmers to the area, because the seeds supplied are considered to be a suitable type for the soil of that area. Any loss sustained cannot therefore be blamed on the Government.

Mr. Nyallick: Mr. Speaker Sir, arising from the Assistant Minister's reply, would he tell the House why the Cotton Experimental Station which is situated in the area did not suffer the same loss?

Mr. Osogo: Mr. Speaker, Sir, the Kibos Station did not suffer the same loss, because the officers in the station planted at the right time. Whilst the farmers in the area, the hon. Member was referring to planted late, and therefore they did not get a proper harvest.

Mr. Nyallick: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the cotton seeds that were planted last year are not to be planted this year, as new seed is being brought in?

Why?

Mr. Osogo: Mr. Speaker Sir, I am aware of that and the reason is that my Ministry is trying to introduce a species of cotton that will yield more per acre, and this has been on an experimental basis at Kibos and it has been found that it will produce a larger harvest per acre than the species that were planted last year.

Mr. Nyallick: Mr. Speaker, Sir arising from the Assistant Minister's reply, would he tell the House whether there is an expert whose duty it is to tell the farmers what type of seeds to plant in this area or is it the custom of the Ministry to depend entirely on experimenting with seeds year after year?

Mr. Osogo: Mr. Speaker, Sir, in fact the meaning of the word "experiment" is to find out the best seed that will be suitable for an area. When we experiment, then, we are trying to find out exactly the information that the hon. Member wants. The officers of my Ministry know this and they advise the farmers as to the best species to plant.

Mr. Agari: Mr. Speaker, Sir, in view of the fact that officers of the Ministry admitted that the seed was the wrong type and therefore with drew it for next year, would the Government admit that they made a mistake in experimenting on people's land instead of on an experimental ground, and therefore would they be prepared to compensate?

Mr. Osogo: Mr. Speaker, Sir, that statement is very wrong and I am wondering where the hon. Member has received information that the officers admitted that they planted the wrong seeds, because the seed that was planted last year in this place is the seed which has been planted for several years before.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House how many times the people in Winam Constituency have planted late and had a poor result in the yield of such cotton, which, he has referred to?

Mr. Osogo: Mr. Speaker, Sir, the hon. Member knows that the Nyallick group of that area near Abiro planted in time the same seed, SK 47, and harvested to the best satisfaction of my Ministry technicians. I do not see why the others who planted late could claim to have harvested a different crop from the others.

Question No. 819

SUBSIDIZED ARTIFICIAL INSEMINATION SERVICE

Mr. arap Sol asked the Minister for Agriculture and Animal Husbandry whether the Minister would consider subsidizing farmers so that the price of one service from the Artificial Insemination Centre could be reduced to not more than Sh. 2.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. It is the policy of the Government to help the farmers as much as possible and for this reason, since the question was raised, the price of semen at room temperature has been reduced from Sh. 5/50 to Sh. 3/50 a dose, which means a subsidy from the Government of about Sh. 2. The price of frozen semen has not yet been reduced.

Mr. Mhogoh: Mr. Speaker, Sir, does the Minister know that sometimes this semen has to be applied ten times before it is effective and this brings a lot of loss to the farmers?

Mr. Osogo: Mr. Speaker, Sir, the information we have in the Ministry is that it need only be tried twice if the farmers were co-operative and followed the advice of Veterinary Scouts.

Mr. Ngala-Aboki: Mr. Speaker, Sir, is the Assistant Minister aware that the cotton growers, themselves grow over—

The Speaker (Mr. Slade): Order! Order! I think we have left Winam now.

Mr. ole Tipla: Mr. Speaker, Sir, may we know from the Assistant Minister the reasons why the price of frozen semen has not been reduced?

Mr. Osogo: Mr. Speaker, Sir, to produce and keep frozen semen is quite an expensive job, and the Government goes out of its way to spend a lot of money on this and only charges Sh. 10 per dose. But it is very expensive to keep this semen in the refrigerator and it only lasts for ten days when it is in the refrigerator. But the room temperature semen is cheaper because of the local material which the Veterinary services use in producing, preparing and keeping it. We now use coconut water from the Coast and this

is quite cheap and is the reason why that type is cheap.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply, would the Assistant Minister not agree with me that it would be ideal, if the Minister finds it too expensive to keep the semen, to breed from the bulls instead rather than keeping the semen?

Mr. Osogo: No, Sir. Unfortunately the hon. Member may never have kept any bulls.

Mr. Shikuku: Mr. Speaker, Sir, on a point of order, would the hon. Assistant Minister substantiate that Shikuku had never kept a bull.

The Speaker (Mr. Slade): I think he was merely deducing that the hon. Member has never kept a bull.

Mr. Osogo: Mr. Speaker, Sir, I think I said that he has probably never kept a bull. If the hon. Member has kept a bull, particularly a high grade bull, Mr. Speaker, he should be in a position to know that keeping a bull is very expensive, far far more expensive than buying a dose of semen at Sh. 10.

Mr. arap Sol: Mr. Speaker, Sir, has the Minister actually reduced the price of superphosphates for the growing of maize? Can the Assistant Minister realize that this semen is giving more benefit to the country than superphosphates and therefore the price must be reduced?

Mr. Osogo: I am sorry, Mr. Speaker, Sir, I do not understand what the hon. Member is trying to compare; he refers me to cement and superphosphates which I did not mention.

Mr. Tuwei: Mr. Speaker, Sir would I be in order to explain to the Assistant Minister properly so that he may understand my question?

The Speaker (Mr. Slade): Yes, I will call Mr. Tuwei now.

Mr. Tuwei: Mr. Speaker, Sir, from one of the replies of the Assistant Minister, I would like to know whether it is on his own farm that he keeps the bulls from which semen for artificial insemination is provided and does he not want anybody else to keep bulls?

Mr. Osogo: I see, Sir, that the question asked has confused you. I do not know whether you understood it, but if I assume that you and I understood the question from the hon. Member, he wants to know why we have introduced artificial insemination and whether we are trying to prevent the farmers from keeping bulls? If I am correct, that that is the information he wants to

Mr. Tanni: Mr. Speaker, it is my own knowledge.

Question No. 913

REPLACEMENT OF EXPATRIATES BY KENYA CITIZENS

Mr. Mbogoh asked the Vice-President if the Minister—

- was aware that replacement of expatriates with citizens of Kenya was causing great inefficiency in the Civil Service, especially when Asians were given top posts on the pretext of Africanization;
- would tell the House why an expatriate European civil servant should be replaced by a local European, inexperienced civil servant;
- could tell the House whether any Europeans or Asians had taken up Kenya citizenship so that they would not lose their jobs.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

(a) No, Sir. This question reflects the old colonialist-inspired myth that only expatriates are efficient workers, and that indigenous peoples are not. This myth must be exploded once and for all, for many Kenyans who have taken over positions of responsibility have done and continue to do, excellent and highly admirable work. However, if the hon. Member can substantiate his claim of inefficiency, the matter will receive prompt attention.

(b) Expatriate European civil servants are never replaced by inexperienced local European civil servants.

(c) It is impossible to fathom all the motives of a man who applies for citizenship, but such an application can only be granted if the man is judged to be absolutely loyal to Kenya, and is likely to contribute significantly, according to his means and capacity, to the development, welfare and progress of this country.

Mr. Mbogoh: Arising from the reply to (b), Mr. Speaker, that no Europeans are given jobs in replacing the expatriate Europeans, does the Assistant Minister want to tell the House that if a European is already a citizen of this country he cannot be given a job when another expatriate European leaves because of his status as a Kenya citizen?

Dr. Waiyaki: Mr. Speaker, Sir, the operative word there is "inexperienced" and I talked about "inexperienced" local European. I did not say

an experienced local European could not get a job after an expatriate left.

Mr. Pandya: Mr. Speaker, Sir could the Assistant Minister assure this House that all Kenya citizens, irrespective of colour, will be treated equally in the opportunities that are afforded to them?

Dr. Waiyaki: I can give an assurance that this Government is not interested in colour.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, is it not the policy of this Government to Africanize and get black Africans set up in jobs?

Dr. Waiyaki: It is the policy of this Government to Africanize as fast as possible but we do not discriminate against people on grounds of colour.

Mr. Ngala: Arising from that reply, Mr. Speaker, could the Assistant Minister assure this House that the Official Gazette will no longer bear this sentence, that people wanted for jobs should be citizens of Kenya of African origin?

Dr. Waiyaki: No, I cannot give that assurance. Mr. Speaker, because in this House it has been repeatedly stated that before now Africans were discriminated against. So, now if we want to do a bit of leveling-up I cannot see why we cannot advertise in that manner.

Mr. Malinda: Mr. Speaker, does the Assistant Minister agree that the policy is not one of Africanization but it is one of Kenyanization?

Dr. Waiyaki: I do not understand the difference myself.

Mr. Pandya: In view of the conflicting replies of the Assistant Minister—surely this Government must have one policy—where in answer to my question the Assistant Minister said he is not interested in colour, in the other context he said he was not prepared to give the assurance that was demanded by my friend, the hon. Member for Kilifi South. Surely, Sir, the Minister should be aware that there will be conflict in the policy that he has enunciated in answer to questions?

Dr. Waiyaki: As a matter of fact there happens not to be any conflict because I am assured by the hon. Member sitting next to me that in fact the advertisement that the hon. Mr. Ngala refers to does not appear in the Kenya Gazette.

Further, I want to expand what I said about colour. Some Asians happen to be as dark as Africans and there are some Africans who are

(Dr. Waiyaki) as light as Asians. So, where does colour come into this?

Mr. Pandya: Mr. Speaker, Sir, I would like to substantiate what the hon. Member for Kilifi South has said. While I agree that—but I do not have to do with me in this House—that the advertisement is in the Official Gazette—

The Speaker (Mr. Slade): You must put a question, Mr. Pandya.

Mr. Pandya: Mr. Speaker, Sir, the Assistant Minister aware that this sort of discriminating advertisement appears in the *East African Standard*. For the benefit of the Members here I am prepared to lay before the House the *East African Standard* of the 8th January.

Dr. Waiyaki: Mr. Speaker, Sir, I am talking of the *Kenya Gazette* not of the *East African Standard*.

Mr. Pandya: Mr. Speaker, I am merely asking a question, is the Assistant Minister aware that such a discriminatory advertisement on behalf of the Public Service Commission of Kenya has appeared in the *East African Standard*? I can give several instances in this House. Is the Assistant Minister aware of that?

Dr. Waiyaki: I was not aware until now. Where the Kenya Government is concerned is in the *Kenya Gazette*. It does not appear in the *Gazette*.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 913: REPLACEMENT OF EXPATRIATES BY KENYA CITIZENS

Mr. Pandya: On a point of order, Sir, I am satisfied with the answers given by the Assistant Minister, and I would ask your indulgence to be able to raise this matter on a Motion for the Adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 805

MR. WANDERA'S RETURN TO KABETE

Mr. Ngala-Abok asked the Minister for Agriculture and Animal Husbandry when Mr. Wandera (now stationed at Kilifi) would be returned to his rightful position at Kabete.

The Minister for Health and Housing (Mr. Osoyo): On a point of order, Mr. Speaker, Sir, it

in order for a question to be brought before this House which asks about a civil servant by name?

The Speaker (Mr. Slade): Yes, it is in order. There are limitations in our Standing Orders on the kind of question that can be asked about a person by name, particularly if allegations are made against him, but straightforward questions like this inquiring what is happening to the posting of a civil servant is quite in order.

Mr. Omtar: Mr. Speaker, Sir, I rise to seek your guidance, because, towards the end of last year, a certain civil servant in the Coast Province told me there was a circular which came from the President's Office (then the Prime Minister) saying that civil servants were not allowed to complain to the Members of Parliament. Now, I am wondering whether the circular is to be withdrawn. If it is not withdrawn, should we understand that civil servants from now can make their complaints to the Members of Parliament?

The Speaker (Mr. Slade): You must not confuse Standing Orders of this House on which points of order are raised, with administrative directions of the Government. There is nothing in our Standing Orders to prevent a civil servant, from making a complaint to a Member, though it may be completely contrary to the disciplinary directions of Government. It has nothing to do with the orders of this House.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, am I allowed to make a statement in reply to the hon. Member?

The Speaker (Mr. Slade): No.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osoyo): Mr. Speaker, Sir, I beg to reply. Mr. Wandera will be a tutor at the University College of East Africa, Veterinary Department, by the 11th of this month.

Mr. Ngala-Abok: Mr. Speaker, Sir, I just wish to congratulate the Assistant Minister.

Mr. Sol: Could the Assistant Minister tell the House why it was alleged in this question that the return of this civil servant to Kabete is his rightful position?

Mr. Osoyo: Mr. Speaker, Sir, the allegation by an hon. Member in this House in asking a question is not the concern of the Minister who replies.

The Speaker (Mr. Slade): That particular part of the question was not of order, and the word "rightful" should have been deleted from the question.

[Mr. Saji] others, to such an extent that these civil servants object to seeing Members of Parliament and giving them priority?

Dr. Walyaki: Mr. Speaker, Sir, the Government has delegated such powers only as are provided for by the Constitution. What individual District Commissioners and Provincial Commissioners do with individual Members, I cannot be aware of.

Mr. ole Tipli: Mr. Speaker, Sir, could the hon. Assistant Minister repeat to the House what he said about some constituency Members being dealt with by the District Commissioners and District Officers?

Dr. Walyaki: I did not say, Mr. Speaker, anything about constituency Members being dealt with by the District Commissioners and District Officers. I said that there were many matters which could properly be dealt with by District Commissioners and Provincial Commissioners at the constituency level.

Mr. Komora: Mr. Speaker, Sir, is the Assistant Minister aware that there are certain things which District Commissioners are not able to do in the constituencies unless they are done by the Ministers in the Ministries?

Dr. Walyaki: Mr. Speaker, those are the essential matters we would appreciate being brought to the notice of Ministers, but there are other matters which could be dealt with at the district or provincial level.

Mr. Ochwada: Mr. Speaker, Sir, could the Assistant Minister give us an example of the matters which he thinks should be dealt with at district and provincial level?

Dr. Walyaki: I would have thought, Mr. Speaker, that that question would not have come from an hon. Member. He knows that there are ministerial problems and administrative problems with which the District Commissioner can deal.

Question No. 693

SPLITTING OF SIRIKWA COUNTY COUNCIL

Mr. Lorema asked the Minister for Local Government, if the Government had considered splitting up the Sirikwa County Council in view of the size, distance and other inconveniences of the area concerned.

The Minister for Local Government (Mr. Sagine): Mr. Speaker Sir, my Ministry recently considered a request for the division of the county

from some members of the council. It appeared that the reason for the request arose from certain allegations of tribalism in the council and the size of the county. From available facts, the former allegation does not seem to be of much substance. The latter allegation may, however, have some substance, but I feel that since the Sirikwa County Council has been constituted for just over a year, it should be given a bit longer to try and consolidate its local government administration. Furthermore, the council's present financial position is precarious and I do not feel that this is an opportune time for dividing the country.

Mr. Speaker, Sir, before I can order the reconstitution of any local government authority, it is necessary for me, under the law, to appoint a commission of inquiry. The procedure for such a commission and for reconstituting a local authority is fairly lengthy and may take up to six months.

My Ministry has already advised the county that this question should be deferred to give the council time to reconsider its administration and rectify its financial position:

Mr. Lorema: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister tell the House how his Ministry arrives at the fact that this matter is being handled tribally?

Mr. Sagine: I think that question is very irrelevant, Mr. Speaker.

The Speaker (Mr. Slade): I think it does not because, in your first reply, you said that there was reason to believe that it was tribal differences that caused some of the trouble.

Mr. Sagine: Yes, if that is what he wants. The report that is in my Ministry in connexion with tribalism has very little substance. In other words, maybe when certain gentlemen of the council were doing something else and were told they were wrong. They would probably say the reason for that was tribalism. If I tell you two and two are four and we differ, then because you are an Englishman you are a cheat.

Mr. Mbogobor: Mr. Speaker, in view of the reply, which certainly is not a very strong factor in deciding whether to split this county council, does the Minister intend to take the second factor that is the size of the county council as a valid reason for this division?

Mr. Sagine: I do not agree with him entirely. Mr. Speaker. In the first place, now that the provincial administration is going to take care of Graduated Personal Tax, we may get a lot of money coming in and things running well. If this

[Mr. Sagine] before, there will be no need to split it, but if by some chance in the future are such that I am compelled to split it, I will think about it in the future, but I should be given time. At the moment, I am going to amend local government legislation.

Question No. 902

SIGOR CLINIC: SHORTAGES OF STAFF AND MEDICINES

Mr. Lorema asked the Minister for Health and Housing if he was aware that Sigor Clinic was short of medicine and other medical facilities as well as staff?

The Minister for Health and Housing (Mr. Okende): Mr. Speaker, Sir I beg to reply, Sigor Clinic is not short of medicine. This dispensary is used with drugs regularly from Sirikwa County Council drug stores in Eldoret and the Provincial Medical Officer, Rift Valley, Nakuru, says that there has been no complaint.

Concerning "other medical facilities" I would like to inform the hon. Member for West Pokot that Sigor is a dispensary and not a health centre and can cope with a limited amount of work.

This dispensary is not short of staff. There is an ungraded dresser, one ungraded nurse and one subordinate staff to look after the dispensary compound. This is the full strength of staff for a dispensary.

Mr. Lorema: Mr. Speaker, Sir, is the Minister aware that the Sigor Dispensary gets medicine from Kapenguria when the necessity arises and so otherwise?

Mr. Okende: Yes, Sir, I know that dispensaries are not supplied always; they are supplied via hospitals. The nearest hospital, of course, to this place is Kapenguria and it is a long way away from Eldoret. Therefore, medicine must come all the way to Kapenguria first and then the doctor at Kapenguria issues drugs for people in Sigor. It is a very isolated spot in the hills near the Eppu-Marakwet border.

Mr. Lorema: Arising from that reply, Mr. Speaker, is the Minister satisfied that the three people working there are enough to run this clinic?

Mr. Okende: Mr. Speaker, yes, Sir, I am satisfied there are enough people for a dispensary. If there is a case which the hon. Member would like to make for that place to be raised in status to a health centre, then we shall consider it. But these people are the normal complement for a dispensary.

Question No. 904

BAKERY FOR MAKUTANO

Mr. Lorema asked the Minister for Commerce and Industry if he would tell the House what progress had been made in the establishment of a small bakery in West Pokot at Makutano.

The Assistant Minister for Commerce and Industry (Mr. Oloitiptip): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, I am aware of the need for a bakery in the constituency of the hon. Member and a plan has already been prepared for the establishment of one bakery at Makutano capable of producing 800 lb. loaves per day. The Industrial and Commercial Development Corporation is prepared to sponsor this scheme with a loan of up to about 75 per cent of the total capital outlay, provided somebody in West Pokot is prepared to submit an application and is able to contribute the remainder.

In order that my Ministry may be able to complete the remaining task in respect of the bakery at Makutano, I would like to request the hon. Member to urge his people to submit an application through their Provincial Trade Officer who is the official of my Ministry in the area.

Mr. Tannu: Mr. Speaker, Sir, in view of the fact that the people of West Pokot do not eat bread, but eat mealies and nothing else why has this been set up?

Mr. Lorema: Mr. Speaker, on a point of order, is it in order for an hon. Member to rise and say that the Pokot people do not eat bread and eat mealies and nothing else?

The Speaker (Mr. Slade): I think hon. Members know very well what limits there are on what they say. They include restriction on words which are abusive, insulting or contemptuous; but I do not think there is anything offensive in what the hon. Member stated.

All the same, Mr. Lorema, you are entitled to ask the hon. Member to substantiate what he said.

Mr. Lorema: Mr. Speaker, would he therefore withdraw his statement or substantiate?

Mr. Tannu: Mr. Speaker, Sir, as far as I know the West Pokot people are just fond of eating meat and drinking blood, but they are not fond of eating bread. That is why I wanted to find out where this bread will be sold if they are going to have economic—

The Speaker (Mr. Slade): Do you say that you can substantiate from your own knowledge?

[Mr. Ngila]

Therefore, Mr. Speaker, Sir, without going into the bigger points or even dealing with any other matters, now that the Minister responsible is here, I hope we shall have something useful out of him.

I beg to support the Mover.

The Minister for Home Affairs (Mr. arup Mo): Mr. Speaker, Sir, I thought the hon. Member in this House were mature enough to realize the gravity of this matter. If they take these things so emotionally and do not carry the country, which is their responsibility, then how can the ordinary man in the country view this matter? I recall that one of the Members on the other side of the House said that the situation in the country was worse than in the Congo. I should like to be told today whether there is something brewing or something going on which is worse than in the Congo. I am concerned, like anybody else here, and if we cannot take this matter calmly so as to make sure of the security of everyone in this country, then I do not understand how one Member or anybody else in this House can talk emotionally instead of securing the best way to get these things done.

Therefore, with those few remarks, I beg to disassociate myself from the Motion.

Mr. Anylen: Mr. Speaker, Sir, I think we are deliberately trying to misunderstand one another or we do not want to do something. But the point is, Mr. Speaker, if I may be very short, that this morning, when we called the Minister, he said that he did not have enough time.

Secondly, he told us he did not have the freedom to tell us things, he had to have Cabinet agreement first, before he could tell us. So the Minister left us quickly, before we finished the meeting. He went away. He said he was going to ask Mzee Kenyatta to call a Cabinet meeting to discuss these things. All that we are asking, all this Motion is asking, is a token to show that even if we adjourn one minute from time, it shows that the House feels that this is an important matter, and the House is asking the Government to be able to sit some time, if not tonight, then tomorrow morning, as they like, and then tell the House that this is an important matter and that they are giving us time to go and discuss it. I do not see why we should make it the other way.

Now if the Ministers come and say that they do not require that time, even if Parliament adjourns at 7 o'clock, we still have enough time to call a Cabinet meeting, or the President will still have enough time to discuss these things, then I do not see the point of the Motion. But if we are going to say that this is not an important matter and that the Cabinet does not feel the need for a meeting then this is serious. I do not know if he really understands, because this was a political matter, Mr. Speaker, and as such the Cabinet is the guardian of our nation and our Cabinet—

The Speaker (Mr. Slade): This is getting beyond the point of the Motion.

Mr. Anylen: Thank you very much Mr. Speaker.

Then, our Cabinet should be able to sit and I do not think that I should elaborate more. I should like to sit down and the Minister for Defence and Internal Security, whom I am sure has been in touch with the President—I am sure the President is quite busy. Then, if the Minister can give us an assurance that they are going to meet, or that they have met, then we can even ask the hon. Member to withdraw the Motion, but we cannot merely be told that it is not necessary to adjourn.

The Speaker (Mr. Slade): I had better suggest that somebody move the closure very soon, having heard most points of view.

The Assistant Minister for Natural Resources and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I wish to move the closure of the Motion.

The Speaker (Mr. Slade): Unless Dr. Muzoi wishes to speak on the Motion I will allow the question of closure to be put for the House to decide.

(Question that the question be now put put and agreed to)

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Wednesday, 3rd March, at 2.30 p.m.

The House rose at fifty-seven minutes past Five o'clock

Wednesday, 3rd March 1965

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

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

PRAYERS

PAPER LAID

The Appropriation Accounts, Other Public Accounts and the Accounts of the Funds for the year 1963/64.

By the Assistant Minister for Finance (Mr. Odo-Odongo) on behalf of the Minister for Finance (Mr. Gichuru), in accordance with section 128 (4) of the Constitution

Mr. Bala: On a point of order, Mr. Speaker, Sir, according to the Order Paper, we have a Communication from the Chair as Order No. 1. Should it not have been called first, before any other order?

The Speaker (Mr. Slade): You are quite right. The fact is that we were expecting a Communication from the Senate, which I was supposed to read out, but it did not arrive. I, therefore, instructed the Clerk not to read out the Order.

NOTICES OF MOTIONS

FREEDOM TITLES FOR TANA RIVER PEOPLE

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

That in view of the large amount of good agricultural land lying idle on the Tana River which is claimed to be Government land, this House urges the Government to issue 'freehold' titles of this land to the local inhabitants so that they may develop the land for economic agricultural purposes or otherwise.

COMMISSION OF INQUIRY

WEST SOTIK SETTLEMENT SCHEMES

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

That in view of the social and economic difficulties experienced by the new farmers in Kenya's Settlement Schemes, especially those of West Sotik, this House urges the Government to set up a commission of inquiry immediately to look into the matter and report its progress to this House with a view of recommending better terms with special reference to the valuation of land, the conditions and terms of loans repayment and the Marketing Organisation of the farmers' produce.

DISTRICT HOSPITAL MOVE FROM KILIFI TO MALINDI

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

That in view of the fact that Malindi is the only big town in the Kilifi County and that there are so many serious cases which need concentrated medical attention, and since it is a centre of tourist attraction, this House urges the Government to move the district hospital from Kilifi to Malindi.

ORAL ANSWERS TO QUESTIONS

Question No. 878

PRIORITY FOR MEMBERS TO SEE MINISTERS

Mr. Lorema asked the Vice-President whether the Government would make proper arrangements to ensure that hon. Members and Senators received the first priority to see either the President, the Vice-President or Ministers on matters dealing with their constituencies.

The Assistant Minister, Vice-President's Office (Dr. Walyaki): Mr. Speaker, Sir, I beg to reply. Adequate arrangements already exist for this purpose; it is not proposed, therefore, to make any adjustments at the present time. It would, however, be more appropriate if normal channels were followed by hon. Members and Senators, as, in most cases, the constituency matters in question may be dealt with by District Commissioners and Provincial Commissioners rather than by Ministers.

It is not clear who the people are over whom hon. Members and Senators seek to be given priority, but hon. Members and Senators already have perfectly reasonable access to Ministers.

However, if the hon. Member has specific cases in mind, the Vice-President would be prepared to talk to the Ministers concerned.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that the cards which were provided for Members of Parliament are invalid these days, in view of the fact that they are stopped at the gates of either the Central Government Offices or the President's Office?

Dr. Walyaki: I am not aware, Mr. Speaker, but I will take note of that.

Mr. Soli: Mr. Speaker, Sir, is the Assistant Minister aware that this Ministry, and other Ministries, have delegated too much power to civil servants, such as District Commissioners and

[Dr. De Souza]

That a sum not exceeding £1,289,817 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Development Supplementary Estimate No. 1 of 1964/65.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee of Supply in the said Resolution.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Question put and agreed to)

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE

(Under Standing Order 35 (b))

Mr. Mullor: Mr. Speaker, Sir, I beg to move—

—The Speaker (Mr. Slade): Is it a point of order?

Mr. Mullor: Point of order, Sir, I beg to move that the House do now adjourn. The reason, Sir, why I would like the House to adjourn now is that this House is conscious of the grave situation which has been created by the assassination of the late Pio Gama Pinto and is aware that the Minister for Internal Security and Defence promised the Members this morning that an emergency Cabinet meeting was going to be called and then he would inform the hon. Members of this House, in secret, the result of such a meeting. Up to now, Sir, there has been no Cabinet meeting because all the Ministers are here, and if we continue the deliberations of this House, it will mean that we are defeating the very objective which the hon. Members of this House would like to achieve.

With this, Sir, I do not want to labour on this Motion, and I ask my hon. Seconder, Mr. Luke Obok, not to labour anything at all.

I therefore beg to move.

Mr. Oboko: Mr. Speaker, Sir, in seconding this Motion, I would like it to be known that the situation in the country today is worse than it is in the Congo. In addition to that, Sir, the murder of Pio Pinto is a challenge to us, as Members of Parliament, and a threat as well. Therefore, I sincerely hope that the hon. Members of this House will endorse this Motion and get the House to adjourn to enable the Ministers to tell us something tomorrow.

(Question proposed)

The Speaker (Mr. Slade): Hon. Members, I would explain that this is a true Motion for Adjournment of the House which, as I have said on another occasion, can be moved by any hon. Member in this House at any time. It is, however, quite unlike the procedural Motion which is really a method of giving the House an opportunity of discussing a certain matter at a certain time. So it is very obvious that on this Motion, as has been indicated by the Mover and the Seconder, the House must stick very strictly to discussing whether or not we adjourn, and not any other aspect of the circumstances which have led to this Motion.

The Assistant Minister for Internal Security and Defence (Mr. Arwings-Kodhek): Mr. Speaker, Sir, I am rather surprised that the Member for Trans Nzoia has thought fit to spring a surprise on this House. I was at the particular meeting this morning with the Members of this House, who attended a meeting upstairs here. I listened very carefully, and indeed, Mr. Speaker, Sir, it will be seen that the Minister received the information only this morning that the hon. Members wanted to hear from him one or two things in connexion with the lamentable assassination of our very dear friend, the late Pio Gama Pinto. A lot of questions were asked upstairs and these questions were recorded, not only by the secretary of the Members of this House, but also by the Permanent Secretary to our Ministry. These questions and misgivings and rumours which I have heard included most of the things which hon. Members are so worried about. All these were recorded Mr. Speaker, Sir, and I think are in the course of being processed by the police and security officers.

I must say this, Mr. Speaker, Sir, the police are doing the best they can and I take this opportunity in congratulating them.

Mr. Anyieni: On a point of order, Sir, I thought you ruled that we would not go into a discussion as to whether the police are doing something or not and we were going to restrict ourselves to the mere thing that we adjourn the House to give our hon. Ministers a chance to go and prepare to have a meeting so that they will be able to meet us.

The Speaker (Mr. Slade): You are quite right, Mr. Anyieni. You must stick very closely, Mr. Kodhek, to whether we adjourn for the purpose of the Cabinet meeting. We cannot go into how well the police or the Government are doing.

The Assistant Minister for Internal Security and Defence (Mr. Arwings-Kodhek): Thank you, Mr. Speaker, Sir. As a matter of fact, the

the Assistant Minister for Internal Security and Defence]

Minister did not promise that this afternoon there would be a Cabinet meeting.

Several hon. Members: Shame!

The Assistant Minister for Internal Security and Defence (Mr. Arwings-Kodhek): A Cabinet meeting is not the sort of thing that one can call at short notice just like that, because, for instance, if there should be a meeting going on and he cannot summon all the Ministers at such short notice. But what I accept is that some hon. Members want to have a day off and Cabinet papers do have to be prepared. I oppose very strongly the insinuation and innuendo about police action on a matter which is *sub judice*.

Mr. Speaker: I oppose very strongly that there be an adjournment for such a flimsy reason.

Mr. Warithi: Mr. Speaker, Sir, I would like to be very brief on this Motion. We all know that Members of this House feel about the affair of the late Pio Pinto. I would like to say, very briefly, what happened this morning at the meeting of which I was the chairman.

The Speaker (Mr. Slade): Not too much of a Mr. Warithi. You must be relevant to the Motion for Adjournment.

Mr. Warithi: Yes, Mr. Speaker. The Minister did promise that he would see that a Cabinet meeting was held and that he would give us a statement which would be agreed upon. I would like to say categorically that he did not give any assurance that we would get the statement today. He did say he was going to make attempts to meet the President so that a meeting of the Cabinet could be held, but I would say this, that he should give credit where it is due. The Minister promised that he was going to make attempts, and up to now he did promise that as soon as he was in a position to do so he would get in touch with the President.

I presume that since he has not told me up to now, he has not been able to get the material agreed upon, which was to be released to the Members.

Mr. Kall: I stand to oppose the timing of this Motion. I think we had only a few hours' notice that we wanted a meeting this morning and had no time to arrange or to investigate the suspicions and rumours that beset us. To be fair to the Minister, Mr. Speaker, Sir, we should have given him a little time, because, as far as I know, he has not promised to make any statement today, therefore I ask hon. Members to give him some time so that he can collect some more information.

Mr. Ngala: Mr. Speaker, Sir, I think the matter is of serious importance, in the sense that a Member of Parliament has been murdered, and therefore I think the Government Front Bench should take this as a matter of serious importance, and as a matter of great national importance. Indeed, I am very surprised that a Cabinet meeting has not been held up to now, regarding this. However, if it had been held, then it is up to the Minister responsible on the other side to stand up and say, "We have already had a Cabinet meeting on this matter and therefore we can give you whatever news we have, confidentially, as Members of Parliament." If they have not done that since Wednesday, then I think the Mover of this Motion is fully entitled to ask the House to adjourn urgently so that a meeting of the Cabinet can be held.

Now the Parliamentary Secretary—I do not want to call him Assistant Minister because this talk does not warrant that reference—

The Speaker (Mr. Slade): Order, order! Hon. Members must address other Members by their proper titles.

Mr. Ngala: Mr. Speaker, Sir, to suggest that papers must be prepared first, before an urgent Cabinet meeting is called—what sort of a paper does he prepare about a bullet? We want this murder to be discussed quickly. We are not asking you to prepare a paper on the Tana River Irrigation Scheme, which will take three years. We want you to discuss and tell us.

An hon. Member: Address the Chair.

Mr. Ngala: Mr. Speaker, I am addressing the Chair. We want to know exactly why the Members are kept in suspense, we do not know whether there is a plot to get rid of one Member at a time and therefore we want to know exactly where our security lies, as Members of Parliament. If the Parliament is the final authority in the country today, it demands that the Government should sit immediately to give us a reply.

Now, Mr. Speaker, Sir, some Members have said that the time is not convenient. What time? The person who murdered the hon. Member did not choose a time, did not warn us; and I demand that there be a meeting at this time in the interests of the country. Therefore the question of time does not come into it. After all, these hon. Ministers here are paid for that very reason and they can go back to State House and Harambee House and do a great deal of *harambee* work and get the information.

[Mr. de Tjals] do not have many of these mobile veterinary laboratories.

The second point is this, and this is very important, he must move away from the previous policy of having veterinary stations such as Ngong where a man goes for training with the intention of being employed as a veterinary scout, or a veterinary assistant. I would like to know how many students are so far being trained in some of these veterinary training centres, because this is a very serious business. We want some livestock breeders in the country in order to improve the quality of our livestock.

Mr. McKenzie: Mr. Chairman, I sincerely hope that we, as a Government will be more successful in getting more veterinary coverage in the Masailand, and especially in the Narok District, than was provided by the Regional Assembly who looked after this problem for whatever length of time it was. As I mentioned earlier on, Mr. Chairman, the Committee which have been looking into the development of Masai have virtually finished the draft plan for the whole of this area, and as I said earlier on, we are already accepting part of that plan and have made approaches to various countries to help us with personnel to develop this area. I think I am correct in saying that we are hopeful that in the very near future a Yugoslav expert will be moving into that area, but what I do want to emphasize is that with the co-operation of the Masai people, it looks as though the plan is going to be accepted. That being the case, we will then be able to go ahead and get the aid which has been promised to us from other countries for Masailand.

Mr. Masinde: Mr. Chairman, Sir, on head N—Veterinary Laboratories and Stations, I would be glad if the Minister could explain or give us a breakdown once more because it was very confusing, to know how many laboratories and stations are established in Kenya now, and which are the places where they are.

The Chairman (Dr. De Souza): Order, order, Mr. Masinde, I am afraid I must interrupt you, because it is one hour before the time for interruption of business and I am afraid I have to put the Motions now.

(Heads N and S agreed to)

(Vote 17 agreed to)

Mr. Mallada: On a point of order, Mr. Chairman, could you please explain to us what is taking place, because we do not know exactly what is taking place.

The Chairman (Dr. De Souza): As I said earlier on, the Supplementary Estimates stand, in fact, have been finished in one day, but due to some oversight, the Members of the House were lucky and got three days in which to discuss it, but one hour before the interruption of business, which is 5.30 p.m., I must put the question. In other words, this House, which is in Committee of Supply, will approve, if it does, all the expenditure. I will then report to the House that the Committee has passed it. If the Committee has passed it and the House approves the recommendations in the Motion by the Committee, it will then pass it in a form of a law, which will be known as the Supplementary Appropriation Bill. This will be made law, and will be given a First Reading immediately after the Report of the Committee stage, which will be Order No. 7. It will then go on to the Second Reading, which is Order No. 8. It will then go to the Committee of the whole House, which is Order No. 9, and I presume it will then have a Third Reading immediately. In other words, by 6.30 p.m. it will be law.

Mr. Anyten: On a point of order, Mr. Chairman, you remember, Sir, that last Thursday, I moved a reduction in the Ministry of Health, and this was adjourned because the Minister did not have details. Now, today, I understand that when the Minister wanted to reply, you said that it was better if we finished first what the Government started, and then we could go back.

Now, you have just passed a question in the House. I do not know whether that now rules out any reply the Minister intended to give to this House.

The Chairman (Dr. De Souza): I am afraid that is true. I appreciate the difficulty. The Minister did, in fact, say that he had in his possession now all the facts and information that he wanted to give, but I suggested to him that there were other departments which we had not finished, and we would try and get through them as soon as possible. I did, of course, before that, warn hon. Members that we only one hour to go and if they wanted to proceed rapidly, they should allow only discussion and questions on those points which were very keen to have information on, but as it happened, they seemed to be very keen on information with regard to some aspects in the Ministry of Agriculture, and the time is now finished. I am afraid we can probably take this up again if you want to at the time of the Budget Session when you can bring up all the points, but, according to Standing Orders—and we have to keep to Standing Orders—we have

[The Chairman] to pass it to the vote at half past five. I think you understand the position now. It is unfortunate perhaps, but the Committee will appreciate that, in fact, the Committee had three days to discuss its measure, while according to Standing Orders, the Committee should have received only one day.

Mr. Mallada: On a point of order, Mr. Chairman, in the event of putting the Question to the vote and the House refusing to pass it, what will happen?

The Chairman (Dr. De Souza): The normal case is that the Government will resign, or the Government might feel like resigning. It is voting against a Supplementary Estimate, which is, in fact, normally—and I am taking this as a general case—a vote of no confidence, because finance is the most vital part. Without money, Government cannot continue. So, this is the point.

Mr. Anyten: Mr. Chairman, what is the procedure I believe these are Standing Orders of the colonial days, when there were about ten or eleven Members here. Can the Chairman give us a hint on how to amend these—

The Chairman (Dr. De Souza): Let me explain. These Standing Orders are not of the colonial days. They were, in fact, reformed and repassed by this House in June 1963, after the new debates.

As hon. Member: We did not know.

The Chairman (Dr. De Souza): They were used again after the House was divided into two Chambers, the House of Representatives and the Senate, and they are, in fact, based to a certain extent on previous Standing Orders, but they are here with the idea of running this House as an efficient House, and hon. Members of the Sessional Committee first discuss Standing Orders and their amendments and proposed amendments, and when they are discussed very fully, they are then brought before the House. You will realize that Standing Orders, have, in fact, a lot of correlations: in other words if you say that thirty days is not enough for the budget, the Sessional Committee has to decide that also, and the Government needs time to run its activities, etc.

I will now put the Supplementary Estimate—

returned to the Vote.

(Question put and agreed to)

MOTION

SUPPLEMENTARY ESTIMATE No. 1 of 1964/65
—DEVELOPMENT

The Chairman (Dr. De Souza): I will read out the terms of the Motion as I must put it to the Vote without debate:—

THAT a sum not exceeding £1,289,817 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Development, Supplementary Estimate No. 1 of 1964/65.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Resolutions as set out in the Order, Paper and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS

SUPPLEMENTARY ESTIMATE No. 3 of 1964/65
—RECURRENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following Resolution, and its approval thereof without amendment:—

THAT a sum not exceeding £5,869,219 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 of 1964/65 (Recurrent), having regard to the proposed savings of £969,217 therein appearing.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

(Question put and agreed to)

SUPPLEMENTARY ESTIMATE No. 1 of 1964/65
—DEVELOPMENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following Resolution and the approval of the same without amendment:—

Mr. McKenzie: The breakdown in the amount for the six-month period: the Coast, £2,000; East, £7,000; Central, £6,000; Rift, £6,000; Nyanza, £3,500; Western, £4,000; Research, £5,000, making a total of £34,400. Those are agricultural and then veterinary research at the Coast are £1,600; East, £1,500; Central, £1,700; Rift, this includes the National Park at Naivasha, £6,000; Nyanza, £1,200; West, £1,300; North-Eastern, £600; Reserve, £2,000.

Now Sir, those are broken down as follows: Bukuria, Lugari, Mwanza, Maseno, Kisii, Kabanga, Kiparowara, Kaimosi, Kisumu, Madakos, Kieni, Kaburu, Kaguru, Embu, Kaga, Wambusi, Kenyatta, Y.M.C.A., Limuru, Salvation Army, Thika, Majabeni, Wajuru Rock, Mtomba, Kenyatta Farmers' Training College, Central, Fort Hall District, Coast Farmers' Training College, Kilifi, Livestock Improvement Centre, Kilifi.

Mr. Waritih: Just one more question. From what the Minister has read, I do not think he means to believe that he is going to set up new Agricultural stations in all these places. Are these stations already existing going to be added, or how many of these are new ones that are going to be started?

Mr. McKenzie: Mr. Chairman, I am very surprised that an influential man like the Chairman of the Back-benchers—God knows full well that he has been listening—does not know that these Estimates are Supplementary Estimates which we have inherited from the Regional Assemblies for payment of schools and institutes which are already operating. I have already answered the question from the other side, on the future, and what we were considering in institutions, etc., but I went out of order, I am afraid, by talking about something that was not in these Estimates. These Estimates showed nothing new whatsoever. They were all expenditure for the next six months, on schools, centres, officers, etc., who are already employed by Central Government, having been taken over from them.

Mr. Weritih: Mr. Chairman, is what the Minister said when he went out of order not included in these Estimates?

Mr. McKenzie: The hon. Member knows full well that they are not.

Mr. Masinde: My question is simple, Sir, as to what is happening, according to the Minister's breakdown, to those schools now that are being operated by missionaries, assisted by Government? Is it the intention of the Government that in

future they should acquire these schools and they should become a Government responsibility?

Mr. McKenzie: Mr. Chairman, those do not come under this Supplementary Estimate. They come under the Annual Estimates.

Mr. Mbogoh: Mr. Chairman, I would like to ask the Minister to tell us why these agricultural institutions should be so difficult for farmers, because many of the experiments are of no use to local people?

Mr. McKenzie: I agree with the hon. Members, because experiments are not done in these places. These are institutions to teach the farmer, and I think the number of people who went to our institutions in 1964 was something like 47,000. There are certain experimental farms which also do institutional work. Any hon. Member, at any time, is absolutely welcome to any of these stations. All hon. Members have to do is to sit us, and we will only be too pleased to take them there.

I will take this opportunity of saying that we are considering hiring, if we can get one cheap enough, an aeroplane which can carry seventy-five Members of this House, so that we can make a one-day tour of Kenya landing at certain places, so that hon. Members can have a good view of as much of Kenya as possible from the air, and visit certain institutions. That is for those Members of Parliament who would like to do so.

Mr. Kamau: Mr. Chairman, I would like to request the Minister for Agriculture, in view of the fact that in these agricultural stations and schools, we have experienced that the people who are being sent to those institutions are so few, owing to the fact that they are made to pay when they go to these experimental farms, and as many people in the country now are interested in these institutions, I request the Minister to consider, as far as this Vote is concerned—it is a large sum of money—that these institutions should be free of charge for those people who want to go and learn agriculture. They should be free institutions so as to get as many people as possible to go and learn and then go and explain the education to the masses in the areas because I have experienced in my own area, that the Minister himself knows, there is an institution where people pay Sh. 35 for two weeks, and the ordinary man or woman is unable to meet this cost. If the Ministry could make it free of charge, I am sure many people will join the institution and within a very short time you will find the country prospering through his Ministry, because many people will learn the method of farming.

Mr. McKenzie: Mr. Chairman, I think the present charge is Sh. 2/20 a day. Some of them are less than that. We are trying to find overseas farms where we can cut this down even further. I think hon. Members must appreciate that Sh. 35 is two weeks, especially those where we feed and house them, is already very heavily subsidized. We have looked into this at the Ministry, and the possibility of giving free education at all our agricultural institutions would run just on £30,000 a year.

Mr. Makome: The Minister said that Nyanza was only given £3,500. May we be told why it was given this amount when the other provinces have between £6,000 and £7,000.

Mr. McKenzie: The hon. Members obviously did not hear what I said before. He may not have been in the House. These are estimates which we have accepted and taken over from the regional machine. There was no time for us to alter them, because the thing is hardly completed. All we took is the completed half. I am sorry to say, Mr. Chairman, that certain regions had to cut down agriculture; they made other aspects of their business more important, so they cut down on agricultural matters. These figures had nothing to do with us, but I sincerely hope that we will be able to even these out more now that we are in control of the Budget for 1965/66.

The Chairman (Dr. De Souza): I think we will have to go ahead with the next item.

(Head L agreed to)

Head N—Veterinary Laboratories and Stations

Mr. Glehoya: I heard from the Minister about his schools. Now, we were talking about agricultural stations and schools.

The Chairman (Dr. De Souza): No, no, we are discussing Veterinary Laboratories and Stations.

Mr. Glehoya: Yes, Sir, there was a mention of a certain place.

The Chairman (Dr. De Souza): Is it a veterinary station or an agricultural station?

Mr. Glehoya: The Minister mentioned it as an agricultural research station, although I know it is a veterinary station. If that is not the case, could the Minister inform me whether he wrongly mentioned the place?

Mr. McKenzie: What happened, Mr. Chairman, was that I read out all the agricultural ones, and then I read out all the veterinary ones. I

will read the veterinary ones again if he would like them. I read out both lists.

Mr. Glehoya: Then on that point I am satisfied.

The other thing I would like to suggest to the Minister is this: There is an agricultural station, institutional school, and I would suggest to the Minister to bring together the two institutions within the one area, which is adequate enough to accommodate the other training facilities for agriculture, instead of having two separate places. I am referring to Kirinyaga too, being a small place. The place that is occupied by the training school should be used for accommodating secondary school children as a dormitory, because there are all facilities.

Mr. McKenzie: I know the place which the hon. Member is talking about very well, Mr. Chairman, and we have considered this in the Ministry, but we do run ourselves into difficulties, because to a very great extent on these institutions, we rely on donor money, and a lot of it is grant money.

An hon. Member: What is that?

Mr. McKenzie: Money that is given and that you do not have to repay.

They often like to give it for one purpose or the other, either for agriculture or for veterinary. So, in certain areas where we have people who have donated money regularly, from foundations or overseas countries, they only like to give it to one thing.

Now, I want to give you an example. The Danish Government, whom we have been holding discussions with, have decided to move their big veterinary school from India, and to bring it here to Kenya, and pay for it completely themselves. We tried to get them to amalgamate it with an agricultural institution, but they said that if we want to do this, they will find elsewhere to go. We had to say that we were not prepared to agree, and they could come and put it up as a veterinary establishment. This is the problem.

Mr. ole Tipis: Mr. Chairman, one point here is that we have accepted the Minister's explanation that these Supplementary Estimates are not entirely of his making, and of course, it is the responsibility of implementing the whole functions within his whole portfolio.

Mr. Chairman, as far as these veterinary laboratories and stations are concerned, I would like to know from the Minister the reasons why, in view of the fact that we have not got a single veterinary officer throughout the Masailand, we

Mr. Oduya: Mr. Chairman, there is only one thing on which I want the Minister's assurance, he is asking for quite a substantial sum of money, as you can see. But, could the Minister tell me whether these amounts here also cover the need for providing the replacement of Busia Agricultural Officers' vehicles, because in Busia at the moment there are only two Land-Rovers which are very, very old—one of them in fact is all the time taken to the Ministry of Works in Kisumu where it lies for three, four months. Even now the Minister can telephone Busia and talk to the Agricultural Officer who will tell him that he has been waiting for one Land-Rover for quite three months. Now, for these three months the officers are not working; that means that the Land-Rovers, which were taken to Busia when it was established as a new district, were all very old Land-Rovers, and they were sent to Busia just because they think that Busia is in the other part of the world. So, I would like the Minister to assure me and, in fact, I am going during this weekend to find out from the Agricultural Officer whether he has received a letter from the office of the Ministry telling him that they would be getting two additional vehicles to replace the old ones which should be taken to Nairobi where there is cheap work.

I would also like the Minister to take into account that this amount should give Busia another additional vehicle, there should be one for the Agricultural Officer himself and there should be two other vehicles for another Assistant Agricultural Officer and another Assistant Agricultural Officer and another Assistant Agricultural Officer because there are two divisions, the northern division and the southern division. So I would like it to be made very clear that Busia should have three vehicles so as to allow the officers to do their agricultural work very, very well, because at the moment it is very difficult to know what type of work these officers are doing because they have no vehicles in which to go around and the people are complaining that they do not see the Government Agricultural Officers in the field. So, would the Minister satisfy me and assure me so that I will be able to go and tell the people that the Government will give these people proper vehicles.

Mr. McKenzie: Mr. Chairman, I thank the hon. Member for raising this point about Busia and I will look into it and be able to tell him the results of my inquiry tomorrow afternoon if he cares to make contact with me.

We have done a very quick survey on the vehicles which we have taken over. The vehicles in the provincial fleet are already in a very bad shape. I am reading from a report which we have

had, in two regions we have found them to be in exceptionally bad shape, and unfortunately one of them is Western. We are at the present moment considering in the Ministry whether we should not, like some other surrounding countries, rent from Land-Rovers to motor-bikes and sidecars. These are much cheaper to buy, much cheaper to run and the Agricultural Officer or whoever the officer is cannot carry fifteen people in the back, which we have found certain officials doing all getting money for it. This is an idea which has come to us from a neighbouring country and we are looking at it. All he can put in the sidecar is a *toro*, nobody else, because it would not be big enough.

Now, Sir, we would appreciate, Mr. Chairman, that the functions of our Ministry are valuated unless we have an effective field service and our effective field service depends entirely upon its being mobile, even just as much as the police. If you have an Agricultural Officer, it is no good his sitting on his behind in Kisumu, Kakamega, Bungoma or wherever. He must get out and around and see the people. I take the point the hon. Member has made and, as I have said, I will look into this one. I have not heard that Busia is worse than anywhere else. But I do want to tell the hon. Member that we have found that the vehicles from Western Region are in very bad shape, and I know there is an allocation going forward now for certain new vehicles to go to Western Region. I will see whether, in fact, Busia has priority.

Mr. J. M. Karuki: I think the Minister has explained some points, Mr. Chairman, to us but I would like to know from him this. Would he not agree with me that he wants us to vote this money for replacement, maintenance and running expenses of vehicles which are already in the field and that he is considering, in his estimate before we debate the Budget, bringing to this House the additional vehicles which he has just mentioned for new districts which were established as a result of constitutional changes?

Mr. McKenzie: Mr. Chairman, this is quite correct, but I must warn the hon. Member that the Minister for Finance has told all of us that we cannot consider having any increase in this year's Budget, that we must try to be as careful as possible. But we have certain savings in the Ministry and, as I have explained, we are looking into it because we have found, through information from neighbouring countries, that this motor-bike and side-car can be a very big saving indeed, except in wet weather, when they are no good.

Mr. J. M. Karuki: Mr. Chairman, there is a point I would like to make. There are some big

Mr. J. M. Karuki:]
vehicles which were established recently, and, if I could be specific, I would refer to Nyandarua District, which is a big one. Now there is only one Agricultural Officer and very few vehicles, and it is very difficult for him to cover North Nyandarua, Central Nyandarua and South Nyandarua at once. There are only very limited vehicles. That is why, if the Minister has already been told by the Treasury that no additional money can be given, or no additional money for agricultural transport in the field, I wonder what we are going to do. Are we going to neglect these new farmers settled there by the Ministry of Lands and Settlement?

Mr. McKenzie: Mr. Chairman, Sir, these are policy matters on which I will give an answer in the policy debate, but I want to remind the hon. Member that he knows as well as I do that practically the whole of Nyandarua is operated at the present moment by the Department of Settlement and not by my Ministry. I do not say the whole of it, I said most of it.

Mr. J. M. Karuki: Mr. Chairman, could I get this point cleared up by the Minister. Whether it does not have one Agricultural Officer in the field and others who today cannot do their job properly as a result of having no vehicles, no means of transport, and they keep on asking for this from the members of the public?

Mr. McKenzie: Yes, Mr. Chairman, my Agricultural Officers in Nyandarua are on secondment to my hon. friend, my colleague, the Minister for Lands and Settlement.

Mr. Gichoya: Now, Sir, if what the Minister says is correct, and they are just mere seconded officers to that Ministry, could he anyway satisfy this House that the other Minister who has been told those officers will give them proper arrangements in terms of transport?

Mr. McKenzie: Mr. Chairman, I would like to suggest that the hon. Member raises this during a debate on policy.

The Chairman (Dr. De Souza): Yes, I think it would be more suitable then. Mr. Omar?

Mr. Oduya: Mr. Chairman, on a point of order, you did not look at me because there was only one thing—

The Chairman (Dr. De Souza): I have looked at you sufficiently, Mr. Oduya. This time I am not, No, no, sit down. We have already passed the section you want to speak on.

(Head D agreed to)

Head E—Travelling and Subsistence Expenses

Mr. Omar: Under this item, Mr. Chairman, there is an additional sum, of about £48,100. Could the Minister explain to us the nature of the travelling and subsistence expenses on duty? I ask this, Mr. Chairman, because—

The Chairman (Dr. De Souza): We are ill on E, Mr. McKenzie.

Mr. McKenzie: I am sorry, Mr. Chairman.

Mr. Omar: We would like an explanation of the nature of the travelling and subsistence expenses on duty, Mr. Chairman, because I understand that in some provinces, such as the Coast Province, some agricultural officers have got rest camps. These rest camps are not far from their offices. Sometimes they go into the field and when they get tired in the evening, they go to the rest camp and spend the night there, so they probably claim mileage or night allowance. So we would like the Minister to tell us the nature of the subsistence expenses on duty paid to these officers who work for this Department.

Mr. McKenzie: Mr. Chairman, all I can tell the hon. Member is that this may have happened under the regional régime, but I can promise him that no agricultural officers are being paid mileage for going to rest camps, and night allowance if they are staying at a rest camp. I can also promise hon. Members—I heard one saying that they were entertaining Ministers—that no matter what Ministers they entertained previously, I have just been to the Coast and I got no entertainment from any agricultural officer at any station, at any night-club or night accommodation at the beach. If this is still happening, and the hon. Member is still concerned that they may be putting in for their allowances, etc., if he gives me the name of the place, where they are going—not the name of the person—I can check up and let him know. But from my knowledge, this has not happened since the beginning of January, for the simple reason that before we took over, a very harsh letter went out from my Ministry drawing the attention of regional officers not only to this matter, but to numerous matters concerning the use of vehicles, etc. If this is still happening, however, we would like to know; but it is my impression that it is not happening.

Now what is this money being used for, Mr. Chairman? This money is being used for the payment of official transport and official transport only. We are running into a little difficulty, in that there was in certain provinces a difference

[Mr. Konchellah]

Education Officers, so if my colleague would perhaps take an interest in this affair and inquire, at least, in the Regional Offices of Education.

(Head K agreed to)

(Head M agreed to)

(Vote 16 agreed to)

The Minister for Health and Housing (Mr. Otende): Mr. Chairman, Sir, just before the end, there was a breakdown required under item G. I was wondering whether this would be the time to finish this?

The Chairman (Dr. De Souza): Under item G for—?

Mr. Otende: Health and Housing.

The Chairman (Dr. De Souza): You want to finish that, do you?

Mr. Otende: There are only three items, Sir, G, K and J.

The Chairman (Dr. De Souza): I think we will come to J that very soon, let us finish the other Votes first.

VOTE 17—MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY

Head A—Personal Emoluments

Mr. Gteboya: Mr. Chairman, Sir, I want a clarification here from the Minister. Under explanatory details there are forty-six drivers and my problem is as to whether some of them are those who were working in the Mweya Irrigation Scheme.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I would just like quickly to explain that these explanatory details were details which had been given to us by the regions, as we have taken over their Budget which has half-completed. None of these people involved in here have anything whatsoever to do with those aspects of agriculture which were operated previously by the Central Government. All these people are the regional Government. All has now been taken over by Central Government. Therefore Mweya, which has always been Central Government, is not involved in this.

Mr. ole Tipis: Mr. Chairman, I think there are a few things we ought to query from the Minister, concerning these Personal Emoluments.

Firstly, I hope that he will not try to kick the ball back at me, but the question is, these thirty-five Agricultural Officers and the 130 Senior

Assistant Agricultural Officers, I would like to know definitely what is he doing about it himself, or what is the policy of his Ministry, because I think it is grossly unfair to have only one qualified Agricultural Officer in an area covering 16,000 square miles, for instance, Kajiado and Narok.

Mr. McKenzie: Mr. Chairman, I agree completely with what the hon. Member has said, but he must have known before he stood up that this ball would go straight back to him because this is the Budget which was put forward by the region. But I would like to tell him, although it is a policy matter and it should not come up under Supplementaries, that we have gone a very long way indeed with the Committee on Development in Masailand and the recommendations of staff which have been put forward by that Committee. We, as a Government, have already approached overseas countries to help us in the immediate future in the staff which we will be needing to develop that area. I think in the district of which you are talking we are attempting to get four extra people immediately. That is a policy matter, not under this.

Mr. Gteboya: I would like to have an explanation from the Minister as to whether this amount, which is for Personal Emoluments, means that the regions keep employing additional staff members after they had made their own previous estimates, which are shown here as Regional Estimates. If the regions did not make these estimates, but the Central Government, I would like to know whether the increase is based on the conditions that the number of employees have increased, or whether this is a matter of their salaries having been enhanced.

Mr. McKenzie: The answer to the first two questions is no, and no, and therefore the third question does not arise.

Mr. ole Tipis: Mr. Chairman, the one I am coming to is this question of Veterinary Research Officers and Research Workers. In this case they were catered for by the Central Government. Now, I am informed that the Tsetse fly Control Team which was stationed at a place called Aitong in my constituency, and which was doing good work, is going to be removed from this place. I think I would like to have an assurance from the Minister that this information, is either false or what the position is.

Mr. McKenzie: I know nothing about that information and I will look into it and let the hon. Member know. But I would like to inform him that these fifteen people are regional people

[Mr. McKenzie] and are not Central Government people. We inherited these fifteen from the regions, mainly in some work in various regions.

Mr. Malinda: Mr. Chairman, Sir, in the explanatory details I see a post of Catering Supervisor. While I did not know that the Ministry of Agriculture ran some restaurants, I would like to know for whom they cater.

Mr. ole Tipis: On a point of order, Mr. Chairman, are we discussing Personal Emoluments?

The Chairman (Dr. De Souza): Yes we are.

Mr. McKenzie: This one Catering Supervisor is somebody whom we inherited from the Western Region. They employed a Catering Supervisor unfortunately had a contract which we found it was better for us to give notice and let it out, rather than terminate—we saved money by doing that. We inherited either he or her from the Western Region, but as far as we are concerned it is running itself out. I do not see what they wanted a caterer for.

Mr. J. M. Karuki: Mr. Chairman, I just want to ask the Minister one question. There are thirty-five Agricultural officers. May we know whether the Minister considers these officers sufficient to cover all districts in the country, and how many areas is one Agricultural Officer supposed to cover?

Mr. McKenzie: Sir, this is a matter of policy but I can tell the hon. Member that since we have taken over I think we have increased the establishment, up to date I think it is by twenty-five, and I think that there are another ten who are being upgraded from Assistant Agricultural Officers. As far as we are concerned this number is not enough and we are increasing it. For his information Agricultural Officers in his area under regionalism were nine.

Mr. Gteboya: Mr. Chairman, the Minister has already stated here that he, himself, does not know the duties of the Catering Supervisor. Perhaps there were no canteens being catered for within the Western Region? I wonder why, then, should the Government of Kenya accept to incur expenses on a character which is non-existent in terms of duties. Do we pay these officers because we need them and there is service for them, or do we pay them because we feel that it is better to pay for unknown duties? If the Minister does not know that there were certain responsibilities which necessitated the appointment of a Catering Supervisor, why can he not drop this item and say that there is no payment any longer to this

person whose appointment was a wrong one or had no meaning in reality so far as the Ministry of Agriculture is concerned?

Mr. McKenzie: No, I do not say that this was a wrong appointment, and the hon. Member himself was the cause of us having to take this person on, because he in this House agreed, under the change in the Constitution, that we take over all the regional responsibilities. This person, in fact, was a caterer at an agricultural institution and it is now being reorganized and in the future we will not need, under Central Government, the services of this person. As I have explained, this person is being got rid of, but when you inherit a person who is under contract you can fire them the day you take it over, but you are then liable for compensation and all kinds of things. If you take notice you then run the notice out and it is cheaper for you. In any case we are reorganizing the whole thing and taking it within the department.

(Head A agreed to)

(Head B agreed to)

Head D—Replacement, Maintenance and Running Expenses of Vehicles

Mr. ole Tipis: Mr. Chairman, Sir, on this one I think we have raised it several times in this House and I think the Ministers concerned are not taking due heed to the concern or the anxiety of the Members who raised this point. I do not want to enter into a debate on it—but what I would like to get from the Minister is an assurance that the Government vehicles will only be used for Government official duty, and this is a very serious case. It is no good for the Minister to try to come back here and tell us, well, give us specific cases because he knows as well as we do that some of these Government vehicles are not used for purely Government business or Government duties. It is up to the Minister himself to issue strong instructions to his officers in the field and, especially to the senior officers to supervise their subordinate officers as far as the usage of Government vehicles is concerned on other matters not connected with the Government work.

Mr. McKenzie: Mr. Chairman, this has already been done, but we did inherit rather a lax organization from certain of the regional authorities. I would like to tell the hon. Member that we have internal cases at this very moment where we have five people whom we have caught using against us, what is in our opinion, not on lawful business, and I would give an assurance that we intend being as strict as possible over this matter.

[The Chairman]

that they can proceed to ask more questions on what they want to ask, and less question on the problems that are not so serious.

Mr. Khalif: Mr. Chairman, Sir, I do not know how we are going to discuss Head D (4)—Grants-in-Aid, sorry, I mean C3. When the Minister says that he has no information with regard to the fifty new Form I streams going to be established, could we be told whether they have been established or whether they are going to be established, the areas or districts or regions for that matter, where these streams have been or will be established?

Mr. Mboya: Mr. Chairman, I have said this. We are only talking here of Grants-in-Aid and Grants-in-Aid means that school has been established and it is being run, there are people who have provided money and Government is merely giving them a grant to enable them to continue.

Now I have already told the House that at the present time I have not a list of fifty schools here, but since the hon. gentlemen would like us to circulate the list, we will do so. The other three, four, five schools are already clearly stated here. The principle of Grant-in-Aid is accepted and it is already in the Budget as part of the normal procedure.

Mr. Glehoya: On a point of order, Mr. Chairman, Sir, according to your information, you have just informed us that we are to finish the whole thing now within an hour's time according to Standing Orders, now what is to happen to certain Votes omitted the other time because of lack of information? Will they be treated as separate cases, so we can get information on them or will they just be passed over?

The Chairman (Dr. De Souza): Well, Mr. Glehoya, the hon. Members were in fact happy, as far as I was concerned, with my mistake because they have had three days to discuss this, instead they should have had only one day. What will happen, of course, is that if hon. Members ask less questions on these items we will then go back to those items. At half past five, we will put every one of the Votes to the vote and that will be the end of every one of the different Ministries that we are going to debate.

Mr. Kibuga: Mr. Chairman, Sir, I would, in fact, like to get some information from the Ministry of Education. I see that there are going to be some fifty new Form I's being opened this year or rather they have opened, and now that there are so many Form I's opening and, in our

area or district, the other day I talked of the schools, four schools which up to this day have not received their results. I would like to get some assurance about the boys or pupils in the four schools of Kirinyaga and Mugomo with forty-nine pupils, Kagumo with eighty-eight pupils, Karaine School with eighty-eight and Karucho School with thirty-three pupils, I would like to know what their fate is going to be. I quite understand that it will not be possible for all of them to pass.

The Chairman (Dr. De Souza): I think that this is quite irrelevant. I do not like to stop you or stop any hon. Member if I can help it, but we are discussing Grant-in-Aid to these fifty schools and I appreciate your interest in the examinations for Kirinyaga, but I do not think it is relevant to this particular discussion.

Mr. Kibuga: Mr. Chairman, I was only wondering whether we can get some assurance that these pupils in these schools will be catered for in the secondary schools opening because their results are not yet out.

The Chairman (Dr. De Souza): I am afraid I cannot possibly let this go on.

Mr. Konchellah: I just wanted to make clear this point of streams. Actually we have not a detailed report here about how many streams are in such-and-such school, but in general we have opened new Form I streams and three new Form V streams, and I have received information that perhaps the latter three streams will be in Karicho, Machakos and Homa Bay.

Now with regard to the other figures I am not ready here to give a deep detail of that information, but if any hon. Member would like to get any information we are ready to supply him with information from the Ministry any time, even tomorrow.

(Head C3 agreed to)

Trade and Technical Education**Head D1—Personal Emoluments**

Mr. Gatiguhai: Mr. Chairman, I was going to speak on Grants and Grant-in-Aid.

The Chairman (Dr. De Souza): I am sorry we do not want to get involved there.

(Head D1 agreed to)

(Head D2 agreed to)

(Head D3 agreed to)

(Head D4 agreed to)

Other Schemes**Head E—Grants and Grants-in-Aid to Special Schools**

Mr. Glehoya: Mr. Chairman, Sir, I would like to know whether these special schools which are being referred to are the same three schools. Now if they are the three schools, and in view of the fact that the Minister did say that if we wish to make those schools national secondary schools, the Government would consider making them so, may I now have a categorical answer from us in this academic year these Kenya Preliminary Examination students who have no places, but who have already passed their examinations, will be accommodated in these three schools which we have agreed should be made national secondary schools.

Mr. Konchellah: Mr. Chairman, Sir, I think I had better make it clear that these schools are Karicho, Eldoret and Nyeri.

First of all I would like to make clear to the hon. Members that it is not the intention of the Ministry of Education to encourage racial schools, and that is completely dying out and we are trying our level best to see that no racial schools exist. Secondly, I think the number of hon. Members who spoke, mentioned what is going to be done for these three schools. Now these three schools are going to be run by the Central Government for three months and then they will be given to the local government and then it is the wish of the local government to decide whether they should be primary or secondary schools, and then they will be handed over to the Central Government if they are going to be secondary schools. If it is the wish of the local people to say that these schools should be run as primary and intermediate schools then it is the wish of the local people, so I hope even the hon. Members of this House will be able to notify the people about these particular reasons, and see that they really get information about these three schools.

Mr. Otende: On a point of information, Mr. Chairman, would the Assistant Minister not agree with me that by the terminology "special schools" we mean schools for blind, for the deaf and other children who are not able to be put into normal schools?

Mr. Konchellah: Yes, Mr. Chairman, I am sorry about that, because I did not think these special schools with the special aid mentioned here were for the deaf and disabled children. I am very sorry to have taken it as the other three schools.

Mr. J. M. Kariki: Mr. Chairman, Sir, now the last thing we mentioned, if we are to deal with such things, is that it should not be put in the way it is put, because it is confusing to all Members in the House by putting grants-in-aid to special schools when it does not specify which special schools. Now that the former Minister for Education has made it quite clear, now we understand all this.

Mr. Ochwada: Mr. Chairman, Sir, could the Minister give us an idea about which special schools or what special schools and where they are situated, whether they are some of the Harambee schools which are being taken over by Government, whether they are some form of probation schools or technical schools.

Mr. Konchellah: Mr. Chairman, Sir, I said that this aid will go to the schools for the disabled, blind children's schools and other schools which have children which are not able to help themselves. I hope that my friend, the hon. Mr. Ochwada has understood.

(Head F agreed to)

(Head G1 agreed to)

Other Services**Head K—House Allowances**

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I would like to ask the Minister for Education, whether house allowances will include allowances for the teachers who have been taken to overseas for studies and those who are now studying in the University College of East Africa, who were promised that a fraction of their salaries will be paid to their families. Is this included here as the Minister has been telling us that he has not been given permission by the Treasury to pay these teachers' families?

Mr. Konchellah: Mr. Chairman, Sir, as far as I know the Ministry is paying about 60 per cent of the salaries of Government officials who are studying abroad and this 60 per cent is paid to their wives or families.

Mr. Osogo: When will this be started as one of my constituent's family who is studying in America is desperate and I have all the time been going to the Minister for Education to find out if the family is to get help from the Ministry. They say that this is not there yet, we do not know when the money will be available.

Mr. Konchellah: We have received a number of letters asking about this money but the Ministry is issuing instructions to the Provincial

[Mr. Mboya]

opening new secondary schools. There were so many places in the country where people are already on the new settlement schemes and are waiting for secondary schools, but which they were not able to open this year. So, with the reasons already told, are we going to be right to promise Kitala £28,000 to open these schools when there are so many other areas also equally deserted?

So, Sir, the points that the hon. Members have made, if they are genuine, have been given undertakings, which in my view should clear this matter, but we are not going to change the situation, as regards the problem of having secondary schools by merely debating this sum of money here for a whole day. The problem of secondary schools is still there. It has to be made, but it is going to be made by progressive planning. It cannot be made otherwise, and £28,000 is not enough to give all parts of Kenya the secondary schools which they want.

Mr. Malsori-Itumbo: Mr. Chairman, I rise to support the amended Motion as moved by the hon. Mr. Oduya.

Mr. Chairman, I say it is the Kanu policy to have a Six-Year Plan by developing the less developed areas, and not to enrich the richest, and oppress the poor to be the poorest.

Mr. Chairman, Sir, it was last year when the Minister for Education and the Minister for Economic Planning and Development, visited Kuria. They saw how hard the people were working towards getting secondary schools built in Kuria, a place that has never been considered by the Kenya Government. They promised my people that by 1965, they will give them a school.

Mr. Chairman, I am now made to understand that there is nothing of that nature and that the Government says there is no money. Mr. Chairman, the reason why I am saying this, is because Eldoret and Kitala have been the settler's areas. Everything has been done in Kitala, and all these places like Eldoret and Nyeri have been the places where Europeans were. Now, Mr. Chairman, I am made to understand that Turkana, Kuria, Masai and all of these areas are not considered, simply because, according to what the hon. Members have mentioned, Europeans have still the places in the Ministry of Education in order to get some Supplementary Estimate, in order to maintain the schools.

The Chairman (Dr. De Souza): I do not know whether you heard me last time, but I did say that this was a Supplementary Estimate, and that if every hon. Member stood up and said that he

opposed the Supplementary Estimate because in his constituency things are not good enough and he wants more education, more health centres, etc., we are going to have a general Budget Debate. In fact, the only debate we can allow is on this particular item which we are discussing. Otherwise, we will never finish, and I think I ruled Mr. Gichoya out of order on two or three occasions, rather severely, because he insisted in bringing his own constituency into it every time he spoke. I realize that you are in a good mood and you want to speak, but I think you must restrict yourself to the item we are discussing.

Mr. Malsori-Itumbo: Mr. Speaker, what worries me is that this amount of money is not rightly used, Mr. Chairman.

The Minister for Lands and Settlement (Mr. Angine): On a point of order, Mr. Chairman, I beg to move that the question be now put.

The Chairman (Dr. De Souza): There has been a Motion here that the question be now put, and I think we have had a good debate on this question, both on the last occasion, and an hour's debate today, and we still have the whole of the rest of the Supplementary Estimate to go through. I think it will be quite fair to put it.

Mr. Khalif: On a point of order, could we not allow hon. Members to speak?

The Chairman (Dr. De Souza): I have already moved, that in fact, you can move a point of order on a closure at any time. I see that Mr. Malsori has not finished, but I think this particular case has been debated very thoroughly the better part of a day, and we still have a lot to go, and it is for the House to decide. I will put the question that the question be now put.

(Question that the question of the amendment be now put put and agreed to)

(Question of the amendment put and negatived)

(Resumption of debate on original Motion)

(Heads B1 and B2 agreed to)

Secondary Education

(Heads C1 and C2 agreed to)

Head C3—Grants and Grants-in-Aid

Mr. Omar: In this, Mr. Chairman, there are a few things that I would like to have explained by the Minister. It says here that they are based on fifty new Form I streams to open in 1965, and three new Form V streams to open at Karguwo, Machakos and Homu Bay in 1965.

Now, Mr. Chairman, I was wondering whether the Minister could give us the number of Form I stream schools to be opened in the Coast

[Mr. Omar]

Province, and in the North-Eastern Region, which have been neglected by the imperialists. Also, I would like the Minister to give us the reasons why there are no Form V streams to open in the Coast Province, because I understand that there are some secondary schools, and many students passed their Cambridge School Certificate by Division 1 and Division 2, and wanted to get admission into Form V and Form VI, but they could not get admission into them. So, we would like the Minister for Education to tell us why, in the Coast Province, there were no new Form V streams opened. In case of Form I streams, why were there no new Form I streams opened in the Coast Province as well as in the North-Eastern Region?

Mr. Mboya: Mr. Chairman, Sir, unfortunately, I cannot give the breakdown as to which are these rising Form I streams, but they are scattered throughout the country. As regards the three new Form V streams, again the answer is that we could only open that many at the moment. In 1964, we hope to open many more. The hon. gentleman suggests that a number of students who have passed to go into Form V have not been able to find places, but I am able to say, that in fact, students who passed Cambridge School Certificate, and wish to go on for Higher Certificate, can still find room in a number of the Higher School Certificate Schools. We are reliably informed that there is room, but there have not been enough applicants. If the hon. gentleman has any applicants, he should make inquiries to the Minister for Education and direct the students accordingly, and we will be quite ready to help him.

The Chairman (Dr. De Souza): Order! order! I would like to inform the Committee that I have a fact overlooked the provision of Standing Order which in fact, says: Standing Order 145, paragraph 3, that the Supplementary Estimates—in fact, be discussed only in one day, and that one hour before the end of that day, and the Votes shall be put to the vote. I think that this Committee has discussed this for the third day, so hon. Members had a better opportunity to debate it much more than they have normally been entitled to. I want to make this quite clear, that this Standing Order has been drawn to your attention. I propose to close the debate, which I must do at half past five. Not that Standing Orders cannot be changed in Committee. I do want to give advance notice of this, because I do not want hon. Members, if they want to discuss the whole of the Supplementary Estimates and get information, then they might as well proceed rapidly and get the information they require,

because at half past five, punctually, I will proceed to put all the Votes to the vote.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, Are you in fact now as Chairman, not advising us as a Committee to go against Standing Orders? Were you not wrong last week in not having used the chopper?

The Chairman (Dr. De Souza): Yes.

Mr. McKenzie: Am I not correct in saying that you are now wrong in not bringing the chopper immediately?

The Chairman (Dr. De Souza): No, no. I should have brought the gullionet, as it is known one hour before the end of the first Sitting Day when this was brought up, but as we have in fact started discussing this today, and in fact that particular day is over, I will bring it at one hour before the end of today's sitting, but I am giving hon. Members notice of this, so that they do not feel at half past five that we are being unfair or I am being unfair to them. The provisions of this particular Standing Order have been overlooked, but they will now be enforced.

Mr. Khalif: Mr. Chairman, Sir, on a point of order, Is consideration not given to the length of the Supplementary Estimates as regards the one day?

The Chairman (Dr. De Souza): No, I am afraid not.

Mr. McKenzie: On a point of order, I would like your ruling on this. I would like to move under that Standing Order, that the Supplementary Estimate now be put *in toto*.

The Chairman (Dr. De Souza): You can move it and I will put it to the House that it should be put, but I do not want to use the powers that I should have used, as it were, two days ago as it is today, because I think that that particular occasion is past. We will have one hour more of discussions and I think that if hon. Members do want to ask for certain information and get certain answers they should do so.

Mr. Warlith: Mr. Chairman, Sir, since we were not made to understand the provisions of this Standing Order, but that it is assumed that we should know them—on the Budget debate we know that that is the case but with a Supplementary Estimate we were not informed—is it not proper to allow us another one hour?

The Chairman (Dr. De Souza): That is what I say, we are going to have until half past five, but I am giving hon. Members this information so

[The Assistant Minister for Finance] being done here because now you have a number of schools here which were being used only for the education of European children. Now these schools are being taken over as schools still, they are not just going to be just houses, they are being turned over to the Central Government and they will remain as schools, primary schools which will be open to all races. The thing is that this is a step in the right direction so that the next time the step would be to make them a secondary school. Mr. Chairman, I think that the arguments which have been raised are not necessary because if we used this money that would be saved from here for creating a secondary school that would not solve our secondary school problem, because the secondary school problem is a very clear one and is a very big one and the Government knows about it. The Government is doing what it can; as a matter of fact the Kenyatta College at Kahawa is one of the very important measures in solving the secondary school problem and I think that quite a number of schools could be established with a grant of £2,000.

Now, the thing is, we are now concerned with Sh. 7,000,000, as my friend, the hon. Mr. Oduya, likes to repeat. I think that this money is being used properly in that the Government is going to use it to take over these schools and this is a step in the right direction and the next idea would be to make them into secondary schools if necessary. I am looking at the matter from the point of view that at the moment we have more intermediate and primary schools than we have secondary schools.

So, Mr. Chairman, I do not see why we should spend so much time on this, I think that the matter is clear and it would be very helpful if the hon. Member, Mr. Oduya, withdrew that Motion and (Inaudible.)

Mr. Muliro: I think the hon. Assistant Minister—

Mr. Maisori-Iumbo: On a point of order, Mr. Chairman, is it in order for a Member to speak twice when other Members are trying to get up and they are not given a chance to speak?

The Chairman (Dr. De Souza): I think I should let him carry on; it is within his constituency, after all.

Mr. Muliro: I would be the last person to oppose a measure like this, but obviously it should now be the Government policy that no money should be wasted on racial primary schools of

former European Government schools, to date called the Government of Kenya primary schools, throughout the country in which there are hardly any children. I know this particular school also there are hardly any children in it. Now, I would prefer that the Europeans, who are worried, who came to the Ministry of Education and made very strong representations that they did not want Kitale Primary School to be converted into a secondary school; because they wanted their children to be educated locally in Kitale—I can mention the names of the people who came, I have the letter from those who were involved.

Mr. Chairman, I say that if the Government has a policy that we today must expand at secondary level, we should not pass this. We should not continue further to maintain primary schools outside Nairobi, this is very obvious. Today the Minister for Education tell us, look, if we have £2,000 we are prepared to allow you to start the secondary schools, private secondary schools, where £2,000 is needed. How many £2,000 go into this money? From where can we start with this amount? If we have the Trans Nzoia District 140 children who are not able to attend any school at all, why do you not, the Minister for Education, give us £2,000 from this amount so that the African people may benefit in that district, who have been exploited for all these years by the European settlers, can get their children to school. These Europeans have exploited them for all these years.

This, Mr. Chairman, will, I think, receive the support of hon. Members.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, I think there is a very terrible misunderstanding going on here. If the hon. Members turn to their books to pages 21, 22 and 23, and go over this with me, I will show them where there is a misunderstanding.

Firstly, the hon. Member for Teso, the Mover of this Motion, has done one clever bit of arithmetic. He refuses to refer to this figure in pounds, and insists on boosting the figure by referring to it in shillings, and he makes it Sh. 7,000,000. We are, in fact, talking about £343,978. Let us get down to realistic arithmetic of this whole question, because when you boost up the figure into millions, you make it appear as though we are spending the whole world. We are not.

Now, Sir, whether you like it or not, no one can suggest seriously, that this figure is enough to give the whole of Kenya all the secondary schools that they need. If we accept the reasoning given in the House a few minutes ago, then

[The Minister for Economic Planning and Development]

we should say to ourselves that we cannot bring to this House any budgetary proposal until we are able to meet all the expenses of everything that we want to do in the country. Now, Sir, that reasoning is wrong, because we know that it is only progressively that we are going to be able to meet all our commitments, but if we were to wait until we have enough money to cover the whole country with secondary schools, in order that when they bring a proposition here for any section of the country, then, Sir, we will have no budget for this year and the next and the next and the next. Now, having said that, I want to come back to the figures. If you look at page 22, which explains B1—Personal Emoluments, you will see, Sir, there are two figures provided for. The first one is the additional sum of £343,978 required to meet the salaries, and I want you to read this carefully, for an equivalent to primary schools covered by an equivalent to primary schools covered by a sum of £343,978. Now, what does this mean. This means that the Government is not spending the money at all being proposed here. The Government does not have £7,000,000. All it needs is a bit of arithmetic, and account books, because before 12th December 1964, this money had been approved in the Budget, but the accounting work had been done by the Regional Assembly. After 12th December, the accounting had moved away from the region to the Central accounting, and it is therefore, necessary purely from the point of view of accounting, to provide a new Appropriation proposal in order that the accounting is put right. It does not mean that the Treasury has suddenly discovered it has £7,000,000 to spend, or Shillings to spend. It just means that the same amount of money which was originally allocated by the Rift Valley Regional Assembly for this purpose has now been moved for accounting purposes to the Central Government, and it is therefore being covered in this Supplementary Estimate. That is why the amount provided in page 22 is already covered under Appropriations-in-Aid under Z in page 23.

Now, Sir, the only amount which Members will be thinking about at this meeting is that which refers to B1—Emoluments, a further sum of £2,000, which is required for the schools at Eldoret, Nyeri, Kitale, which have to be financed from the centre. This is the only additional money which is to be spent, and which is not

going to be covered by the Appropriations-in-Aid. Now, Sir, Members have argued, in fact, they have suggested, that all we are doing is to provide money so that European children may be educated, and nobody else. The school at Nyeri is almost 100 per cent African.

An hon. Member: All Kikuyu.

Mr. Mboya: Mr. Chairman, we are being told now that we should distinguish between some groups of Africans and others. Is the hon. Member the man to decide what is the criteria? Which side of the fence would he belong to if we had a fence?

Now, Sir, the point here is that the three schools, Eldoret, Kitale and Nyeri, are covered by three different county councils, and between them, a sum of £28,622 is to be spent. But, it was already stated here that, in fact, the three county councils have been approached and they have undertaken in three months' time to take over this responsibility. Consequently, the whole responsibility has developed on the county council, and not the Central Government. If the hon. gentlemen feel that the county councils are wrong in reaching this decision, then there are representatives elected by the people in each county council, and when they say that their county council has a programme, we have to consider seriously what they could forward to the Central Government, unless it is now suggested that we should completely ignore county council decisions and plans.

Now, Sir, if we are, therefore, not spending any more, and if from what we have to spend, the three county councils have agreed to undertake this responsibility in three months' time, then Sir, we are left with only two questions. The first is that the Government should do everything possible to ensure that former European schools become, in effect, national schools. Secondly, to ensure that the school fees in these former European schools are of a level that can be afforded by the ordinary people in the area. Sir, if the Members want an assurance on these two points, we will give them it categorically. It is the intention, in granting this development and budget, to take into account these two factors. Now, lastly, I agree with the hon. Members who spoke, that these areas deserve secondary schools. These premises might be used for those secondary schools, and it is precisely for that reason that the promise has been given by the Minister for Education that, in particular, in Kitale these services will be available, for a two-stream secondary school in 1966. This means that it is not only Kitale this year which has met with problems of

[The Minister for Economic Planning and Development]

Members are aware that in fact this transition is already taking place. Members are aware that quite a few of the former European schools have already been converted into integrated schools and in many cases there are now more Africans in them than there were before.

The second aspect of the problem is the question of averaging the school fees so that they come to a reasonable level which ordinary people can afford. That, Sir, is a problem which we recognize and any Member who has read the Ominida Report will know that a lot of time has been spent in not only discussing this matter, but in trying to find means and ways of meeting the problem, so the Government is not unaware of the problems, it is doing something about the problems and I think Members should, where they feel that the Government is already acting, encourage it to do so and to reach finality, rather than to see action being taken and refuse to recognize, this leads only to frustration on both sides.

Sir, the Kitale School which has been referred to is a matter which has been explained already, in that before the new constitution came into force in December last year, it was not in the hands of the Government to plan for its future. Now, everybody here knows that to plan for the next year's educational programme is a matter which must be done early in the year and if commitments have been made, until December those commitments have to stand. It is not easy by January, merely to close down schools and open up new ones in their places and it is a result of these commitments made in many cases, by the Regional Assembly at the time and the local authorities who were responsible for education at this level that we are forced to lay a Supplementary Estimate before the House so that the responsibility of the Central Government can now be carried through. Now, Sir, the hon. Member representing the area has conceded that the Ministry of Education has accepted his argument that there should be a secondary school in that area. What is more the Ministry of Education has agreed that instead of having merely a one-stream secondary school, they should have a two-stream secondary school right from the start in 1966 because in planning for the secondary school you will need different types of teachers, you will need laboratories, you will need different equipment, which you cannot get in one month. I would have thought that this was pretty obvious. Running a primary school and running a secondary school are two different things. The calibre of the

teachers you need for a primary school is entirely different from the calibre of teachers you need for a secondary school. Teachers for a secondary school must be graduates whereas in a primary school you can do with T2's or T1's, so that you will be able to convert more easily over this year when planning is going on and when the Ministry has agreed in fact, to introduce a two-stream school in the particular area in question.

Now, Sir, I would have thought that having regard to this, the hon. Member who has brought the Motion would feel that in fact there is a very deliberate effort to meet their specific problems and to introduce the kind of school that they want. Now, Sir, the hon. Member from Wajir North has made a policy statement, in my view not relevant to the Motion before the House. He says that instead of this money being spent there it should be spent in building schools in the North-Eastern Region. Mr. Chairman, that is why I started by saying that these were Supplementary Estimates and not the Budget. Even if we reduced this Estimate by £200,000 there is no guarantee that the £200,000 would go to the North-Eastern Region and there is no guarantee that this £200,000 would be represented as a surplus in the Ministry of Education. What happens is that it may go to other priorities and therefore education would suffer by £200,000. What you would have succeeded in doing is closing down a school without guaranteeing that you are going to open up a secondary school. I am sure that hon. gentlemen will know, and agree, that the opening up of a school, a secondary school in particular, would require that certain very definite steps be taken, and as they cannot be taken on the spur of the moment I think that the promise that has been made is in keeping with our own outlook in developing the facilities for education and I would suggest very sincerely that the effort is being made. When the Ominida Commission comes to the House, and when we come to discuss the Budget for this year, perhaps Members who have any criticism of the education policy as a whole, and of our development efforts as a whole, will have the opportunity there to come into the wider field of what is going to be done in the future. I am sure that when they come to see what we are trying to do, they will agree that we are in fact working within the scope of what they themselves feel we should cover.

Mr. Oduya: Mr. Chairman, although the Minister for Economic Planning and Development has tried to explain what arrangements the Government is making and the Assistant Minister for Education has also said the same, the point is that all we are worried now, although the

Min. Oduya] Minister says that this is only a Supplementary Estimate, a Supplementary Estimate is not just paper, it is money, Sh. 7,452,000. So, before we release this amount we would like to know why we are releasing this money. The most burning problem here, Mr. Chairman, is this, that all over Kenya today we have so many children who have passed their K.P.E. examination, and now these children require places in secondary schools. The parents are worried about what will happen to their children. If only the Minister could assure this House that the Government is going to accept this children for secondary schooling next year, as planned, because he says that arrangements are being made, we would say "okay". But if these children are to be thrown out just like that, although they have passed the examination, and it is not their fault, they have done their best and gone through, now what is required is for them to go to secondary schools.

Now, in Busia alone, there are nearly forty-six children loitering about and who have, in fact, been looking for education for many years. During their own Government time they are denied the right to go to secondary schools, to accommodate these children. In Busia alone there are over one hundred children who are not able to go to a secondary school. In Pokot and Turina they have the same problem, the N.F.D. as a whole has the same problem; everyone has the same problem. Now, if Sh. 7,000,000, suppose the Government said that this was a cash problem we would give to every province, give Sh. 1,000,000, that would be what we would want. Would they say that instead of throwing out these children, and in order to allow the Government to plan for next year, to establish a Form I in the existing schools, so they can start operating these schools and then, in December, the Government would have completed arrangements. Therefore, next year all these children would go into Form I and then others who would be sitting for K.P.E. this year would therefore get proper places without even leaving out one child next year who has passed the examination. That is exactly what we are demanding now because we have to put our emphasis to the parents and to the nation that education is essential. Every parent is out to educate his child, now the children have passed their examination, they have the fees, but no schools. Whose fault is that? For example, it is not a difficult thing now to accommodate Form I to accommodate these children, there are some schools where there are existing buildings to accommodate another two Form I's and accommodate seventy students. There is the building, even accommodation where

they can sleep is available. Why is it that Government has found it necessary to spend Sh. 7,452,000 to buy these former European schools at this stage when we have so many children who have gone through the examinations and had no places in the secondary schools? Why is it that Government has not found it necessary to risk some services and get this money to give to every region at least Sh. 1,000,000 to support some of these schools so that this money could be used according to the needs of the regions also? Why not divide up the money and give each province Sh. 100,000 so that they would be able to establish at least one or two secondary schools to accommodate the students who they are going to throw out? Our argument, Mr. Chairman, is not merely an argument, with the Government Ministers or with the Government, our argument is, in fact, a very legitimate one, whether we go to Kamukuni or whether we go to Gatundu, the public want to know what we are going to do to establish schools for these children.

Mr. Chairman, we want an assurance from the Government to the people through this House as to what the Government is going to do for the children now, those children who are at home, and who have passed their K.P.E. but who do not have places. If we are assured as to what will happen to these children we will have no quarrel with releasing this fantastic amount of Sh. 7,452,000.

I think that I should not monopolize more time because I only want this assurance and if the Minister cannot assure us, there are other Members still waiting to speak.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Thank you, Mr. Chairman.

I think that the hon. Mr. Oduya is right in saying that there are a lot of school-leavers who have passed K.P.E. and who should get to secondary school. This, I think, is a matter of which all of us are aware, and the Government is very much aware of this, and this is something which has been carried on from the past when the Colonial Government made provisions for so many primary schools and intermediate schools and made no provision for secondary schools. This is a problem on which we have a bottleneck at the moment as far as our secondary school education is concerned. This problem is clear, and it is realized, the question is how we are to solve this. Now, the thing here is, as the hon. Mr. Oduya said, that instead of using this money here, it should be used for the secondary schools, is not really very different from what is

(Mr. Masinde)

have been suggestions here that people who are working in administration and various organizations are not able to move their children, but that they would like a particular place where their children could go and stay.

Here, Sir, there are very few people who can afford school fees when they are being transferred from where they are working in Eldoret and those who are working in Nairobi, or Garissa, all these people they are not in the class now who could afford a school fee here. There are primary schools and I support the continuity of such schools, and they should be encouraged. If I could make an example of one in the Western Province like Mumias this is a good one, a fair one for an average school in the country, but this was a real school which was made for rich people in the country. How many of these people are there now? You go to Usain Gishu or Eldoret School now and there are very few Africans, either boys or girls, the reason being that the local people around just cannot afford the fees; even those in Nairobi who have the facilities here are the only people now who seem to have better incomes in the African population with those who are farming. Those who farm would rather keep their children on the farms and send them to the nearest day school, they do not want to pay for a boarding school, and because of this, Sir, I think that before we approve this we have to ask the Minister concerned to give us the detailed changes which he is intending to embark on to enable this school to be utilized properly. But at present the schools are not being utilized properly, that is Eldoret. The school at Kitale, this school is almost abandoned, there are very few pupils who are going to this school therefore the whole block is being misused and there is great need, as my hon. friend has already mentioned, a very big need in the entire Trans Nzoia District. There they need a secondary school. If the Government has some money to spend let us be told that this block is going to be bought and reutilized as a secondary school, instead of Government taking this hard-earned money and building a school. If that is not done, then it is no use for this House to approve such an amount of money to buy a useless place which is not going to be useful to the people. It is on this ground, Sir, that I feel that this reduction is worthwhile and I am supporting it on this ground.

Member, Muliro: Mr. Chairman, Sir, I being a member of Kitale know this particular primary school has taken just under 100 children. Now, I think that those 100 children could be dispersed around the schools, boarding schools in Nairobi.

Last year, Sir, it was agreed that the Kinle School was to be converted into an African secondary school. Now some very influential local European farmers who did not want to send their children to Nairobi for education and be integrated with other Kenya children, fought very hard and they made representations to the Ministry of Education that the secondary school which had been promised to Africans should be situated in the buildings now occupied by the Government primary school. Now we have today about a hundred and forty children who passed their examinations very well, for getting into a secondary school, but the Minister of Education has told us that we are not able to give you a primary school and a secondary school this year. But we can ask you to go and start a secondary school of your own but next year we shall give you a double-streamed secondary school. Now what I would like to know, Sir, is that if the Minister for Education can get up here and tell the House how they are going to effect this next year then we will know where we are. It is completely useless to try and make these parents in Kitale half-heartedly responsible for the remaining part of this year or for the coming six months and next year be told that the school is not going to continue and the examination of the local African and Asian population in the area, proves there should definitely be a secondary school for the children of all races.

Therefore, Sir, I would prefer that these schools which are dying a natural death should die a natural death, and you can put up secondary schools in those areas. In this, Sir, I would support the hon. Member who wanted to see this money utilized for some other purpose. In fact if the Ministry could give us the money now to start a secondary school it would be much better. We have 140 children who have passed to secondary school but cannot get anywhere because places in the Rift Valley are full.

With this Sir, I support the Motion.

The Assistant Minister for Education (Mr. Kanchellah): Mr. Chairman, Sir, I have just noted down a few points which have been mentioned by the hon. Members who spoke on this debate.

First of all, this is the position whereby I think a number of the hon. Members who spoke, knew that these two systems were approved by me last year before republic. We had regions running a number of schools or being in charge of a number of schools. We had a number of schools also under Central Government so when all these changes came forward then the position of these schools which have been mentioned now came into the hands of the Central Government just

(The Assistant Minister for Education)

because there had been a change which has taken place and perhaps the regional set up of education had automatically to be changed and so I would say that that up until the end of December 1964, the financing of primary and intermediate education was undertaken, under the Constitution then in operation, by the former regions and a Nairobi by the City Council of Nairobi. Disussions have been held with both the Treasury and the Ministry of Local Government upon the best methods of financing this type of education and that Kenya has achieved republican status. At the time Supplementary Estimate 1964/65 was presented, no firm decision has been reached, but I am glad to say that the difficulties in reaching a satisfactory conclusion have now been solved. My Ministry will be responsible for financing primary education in the former regions, but not in the Nairobi area. But for the first term in 1965, on 1st April, that is approximately, finances will be made available for this purpose. Details of which will be placed before the House of Representatives when the next Supplementary Estimates are tabled. Mr. Chairman at the end of the first year, 1965, the Ministry of Local Government will be providing the finance necessary for primary education and I will be raising appropriate orders for placing primary education upon the shoulders of the local authorities. So, Mr. Chairman, this is a responsibility which is actually not a Central Government responsibility but, because of the difficulties the Central Government will have to take it, but actually it would have been the responsibility of the local authorities and therefore arrangements which are being made now, are the arrangements which are to take place so that it will be possible to enable the local government to take over the school. Mr. Chairman, Sir, I do not actually think it is worthwhile to demand a reduction because all this money could be used. We have in other places that we know of where this money could be used, even some of these feeder schools in the regions where we gave an O.K. to start some of the Harambee schools, but we never knew where to find the money and that is the reason we are now running into trouble because of so many promises which have been given and nobody knew how they could be overcome the problem. So, Mr. Chairman, Sir, I feel that the vote which has been shown here is really correct and is going to enable the Government to run the schools which have been mentioned.

Mr. Khalifi: Mr. Chairman, I also like to support Mr. Odoya on his Motion for a reduction of £200,000. Mr. Chairman, this amount of

money totalling Sh. 7,452,000 if implemented would be a vast expense on the part of the Government. There are, I should say Mr. Chairman, very few primary or African secondary schools which are being helped by the Government to such an extent, and instead of spending Sh. 7,452,000 just to take over, or sort of help the European schools, I should have thought that this money would be better spent in building schools in remote places like the North-Eastern Region where there are very few schools.

Mr. Chairman, when we come here to demand money for the building of schools in the North-Eastern Region, the Government gives lame excuses that there are no funds for building such schools, although the Government itself appreciates the necessity of building schools in those areas. Then, the Government again comes here to ask us pass expenditure of Sh. 7,452,000 to help three non-African schools only. This is a great shame Mr. Chairman. The excuse given by the Assistant Minister is lame and unacceptable as far as we are concerned. If at all we are at all to agree to this figure, Mr. Chairman, I feel we should be told the motives behind approving such a huge amount of money. With these few words, Mr. Chairman, I beg to support the reduction of £200,000.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, I think it is necessary to explain in the first place that here we are dealing not with the main Budget, but with the Supplementary Estimate and the whole question of the policy in education is really a matter that comes up at Budget time which is in a few months' time.

Now, if the hon. gentleman will let me finish my speech, when he spoke I was quite attentive, listening to his argument, but if he is not interested in listening to other people's arguments of course we are wasting time. The point I am making is that the Members have made very useful points regarding what Government should be in mind in planning our educational development and I quite agree that we cannot continue to sustain the situation in which schools, that hitherto were European or Asian schools, continue to depend on public funds unless there is a radical change in their constitution. I also agree, that in many cases the level of income of some of our public servants will allow for us to continue with schools that require such high fees as some that have been referred to, but the transition from that to the new situation will have to go over a certain period, it cannot be done overnight.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. I do not know. This is an impossible question to answer. It is like asking how many countries recognize that Kenya is independent. One would only assume that all countries do.

Mr. Bata: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware that even a country like Kenya does not recognize degrees from some other Governments, such as East Germany, and as such my question is very important?

Mr. Konchellah: Mr. Speaker, I think the question was not dealing with Governments, it was dealing with countries.

As I said before, Mr. Speaker, this is a very difficult question to answer. And secondly we do not have our graduates from our medical and law schools going to work elsewhere. It is difficult to guess how other countries would react to our degrees, but I should imagine that our standards of education in the University of East Africa are as high as any known in the world.

Mr. Ngala Aboki: Mr. Speaker, Sir, arising from the Assistant Minister's reply, whether he assumes that all countries do recognize these degrees, does he realize that the Colonial Government in this country never recognized any degrees except those from Great Britain, even not recognizing those from the United States or other countries?

Mr. Konchellah: Mr. Speaker, Sir, we are dealing with Kenya and not Bombay. On the other hand, our degrees have been recognized.

Mr. Speaker, if the hon. Member could just wait for me to reply, he will get his answer. If he will not wait for me to reply, I will sit down.

Mr. Speaker, as I said before, we have not got any graduates working in any other country and no other country has shown any reaction, that people who are working somewhere as graduates from Kenya are not recognized.

Mr. Ekiella: Mr. Speaker, Sir, could the Assistant Minister tell us that if he goes to the town now, straight off, he will see some people who have not got degrees and who are still practising as doctors? Could the Assistant Minister tell us how he knows a man is just an African, or a well-studied one? Could he tell us?

Mr. Konchellah: Mr. Speaker, Sir, although the question was not very clear, I think my friend knows very well that we have got a number

of doctors who graduated from the University of East Africa and therefore their degrees are being recognized.

Mr. Ekiella: On a point of order, Mr. Speaker, Sir, that is not what I asked.

The Speaker (Mr. Slade): I have warned hon. Members so many times not to interrupt on points of order which are not points of order. I know one or two hon. Members still do not understand what constitutes a point of order. If Mr. Ekiella does not understand what a point of order is, I think he had better not rise on any more points of order. You must be careful, Mr. Ekiella.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, he is aware that since the University of East Africa is a universal seat of education, it is very important that his Ministry should find out and let us know whether its degrees in Law or Medicine are recognized elsewhere by virtue of the fact that this is a universal seat of education?

Mr. Konchellah: Mr. Speaker, Sir, I do not see the reason for inviting trouble before trouble comes. There is no argument anywhere; we have not had any disagreement with any other country saying that it refuses to recognize our degrees obtained in the University of East Africa.

However, if the hon. Member would like us to go around and find out, perhaps later on we can give him that information.

Mr. Warlith: Mr. Speaker, Sir, can the Assistant Minister tell this House whether any students who have graduated from the University of East Africa have found any difficulty in obtaining admission to courses when they go for post-graduate studies in the other countries of the world?

Mr. Konchellah: Mr. Speaker, Sir, we have got a number of students' advisers in various countries at the moment and in some of our embassies. If any of these difficulties arise, then we will consult some of our members who are in foreign countries and ask them to let us have the correct information. At the moment, we are not aware of any difficulties.

NOTICE OF MOTION FOR THE ADJOURNMENT

BAN ON PUBLIC MEETINGS AT MURANG'A

The Speaker (Mr. Slade): I would remind hon. Members that on the Adjournment today Mr. Kagga is to raise a matter concerning the ban on a meeting in Murang'a.

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

(The Chairman (Dr. De Souza) took the Chair)

SUPPLEMENTARY ESTIMATE NO. 3 OF 1964/65—
RECURRENT

MOTION

THAT a sum not exceeding £5,869,219 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 1964/65—Recurrent, having regard to the proposed savings of £969,217 therein appearing.

(Minister for Finance on 23rd February 1965)

Amendment proposed:

THAT Vote 16—Ministry of Education be reduced by £200,000 from £617,746 to £417,746.

(Mr. Oduya on 25th February 1965)

(Resumption of Consideration in Committee

interrupted on 25th February 1965)

Vote 16—MINISTRY OF EDUCATION

Head B1—Personal Emoluments

Primary and Intermediate Education

The Chairman (Dr. De Souza): Hon. Members will remember that in this Committee on Monday we were in fact discussing Vote 16—Ministry of Education. We were in fact at that particular moment debating a Motion by the hon. Mr. Oduya which sought to reduce the additional sum in this Motion by £200,000, namely that the sum of £617,746 be reduced by £200,000, and we were discussing Personal Emoluments B1 of Primary and Intermediate Education. Mr. Tipis was on his feet.

Mr. ole Tipis: Mr. Chairman, Sir, when the House adjourned on Thursday last I was explaining my reason for opposing the Motion by the hon. Mr. Oduya to reduce the amount of the Supplementary Estimates.

Now, Sir, I did say that this Supplementary Estimate is a step in the right direction and I said—No, the provision of this money, I know what I am talking about. If you want to speak in my place—

The Chairman (Dr. De Souza): Address the Chair.

Mr. ole Tipis: I said that the provision of this money, if my friend does not understand, of this money was a step in the right direction, Sir. I doubt whether any hon. Member in this

House can really have the guts to stand here on the Floor of the House, and try to ask for a reduction of money which is provided to meet the urgent need of expanding educational facilities which our people are pressing very, very hard for. Officially the three schools as I did say, would serve a vast area not only in this particular province but with the movements of people, and especially the civil servants whose children need to be catered for in suitable boarding schools. I think, Mr. Chairman, that this matter should be considered very, very seriously rather than just trying to ask for the reduction of the £200,000 for the sake of reduction. We want this money and if my friend can tell me that they are prepared to go out into the countryside and say, well, gentlemen, fellow countrymen, we will oppose the grant of this money for schools, then I do not know how they will stand in this particular matter in the eyes of the public.

Now, Mr. Chairman, as far as Kitale School is concerned I think that there is a great need for an additional secondary school, the building of which were put up by the *Koburus* at Kitale are quite suitable and the Government could easily convert these and make them suitable for a secondary school, and thousands of our children who passed the Kenya Preliminary Examination last year and for whom no places for secondary education have been found could then be admitted. I think I would ask my hon. friend, Mr. Oduya, to withdraw this Motion and we approve the money for these three schools.

Mr. Masinde: Mr. Chairman, Sir, I do not have much to say, but I stand to support, particularly the gentleman who moved the reduction on this Vote. The reason being is that here are two things involved in one, that we do not object to having a few schools kept as primary boarding schools, but at the same time when you look at a school like the Eldoret one, today it is not benefiting the Kenya people, but it is the Kenya Government now which is trying to buy this school so it remains in the hands of the Government or possibly in the future be given to local government, or the county councils. But the fact is that it is benefiting people and students who are coming from Uganda. It was the school which was built in the old days to serve Western Kenya and Uganda. Now, since we are independent and this school is being bought by the Government, we must therefore, arrange how this school is going to be used, either to benefit the children from Uganda who can afford this school or are we going to arrange it in such a way that we reduce the school fees of the school which will enable any African to send a pupil to this school. There

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. I am aware that there have been delays at times in the telephone exchanges in both the Central Government offices and also in the Harambee House, but I do not agree that it is a complete deterioration of telephone exchanges.

My Ministry is doing everything possible to remedy the situation, and already equipment has been ordered to be installed in these exchanges and as soon as this arrives, which will take some time, the situation will be improved.

Mr. Loremu: Mr. Speaker, Sir, arising from that reply, is the Minister aware that it takes five to ten minutes these days before a call is put through, whereby it used to take one minute?

Mr. Mwanjumba: Mr. Speaker, Sir, if I may give just one instance to the House, formerly in the present Harambee House, there was only one Ministry which was housed, and that was the Ministry of Works, Communications and Power, but today, there are four Ministries housed in this House, and therefore, Mr. Speaker, the House will appreciate that the traffic has grown tremendously in this particular House, and this is being looked into, as I said, and we are trying to get some new equipment installed there.

Mr. Shikuku: Arising from the Minister's reply, in which he told the House that they were going to install new equipment, is he aware that in the Central Government building, the same offices still exist which existed during the imperialists' time, and the system of telephone communication was so good and today it is so bad?

Mr. Mwanjumba: Mr. Speaker, Sir, I think we all appreciate that the Central Government is busier than the former Government. The previous Colonial Government, Mr. Speaker, did not attend to the public as much as this Government is doing. Therefore, this situation has arisen and we are looking into it.

Mr. Ochwada: Mr. Speaker, Sir, I have two questions. The first is: Could the Minister tell the House how many extensions have been increased in Harambee House as a result of the increase in the Ministries in that particular House?

Mr. Mwanjumba: Mr. Speaker, Sir, I have only said that the matter is being investigated, and new telephone services are being installed, but they cannot be installed until we get the equipment that we have already ordered.

Mr. Ochwada: Mr. Speaker, Sir, could the Minister tell the House whether it has been the fault of the exchange that there are these delays and therefore does he think that by installing further equipment, or more equipment, that it will make it more efficient than it was before?

Mr. Mwanjumba: It is not the question of the fault of the exchanges, Mr. Speaker. The exchanges can only accommodate a certain amount of traffic, and because of the increased traffic now, as a result of more telephone services to Ministers and civil servants, they are already looking into the matter.

Mr. Obok: Arising from the Minister's reply, is he aware that chaps manning these exchanges are rude to us when we make a telephone call?

Mr. Mwanjumba: Mr. Speaker, first of all I think the words "chaps" is not a proper expression to be used in this House when referring to a telephone operator working on these exchanges, but there is no question of rudeness in the telephone exchanges. On the contrary, Mr. Speaker, and I must congratulate these young men and women who are doing so much for us.

Mr. Wamuthanya: Mr. Speaker, arising from the Minister's reply, could I know from him whether the efficiency of the present employees is better or lower than those of the colonial times?

Mr. Mwanjumba: Mr. Speaker, Sir, I do not know whether the hon. Member wants me to be a judge as to whether this Government is more efficient than the other Government, but I can assure him that the efficiency which we have now is as good as any that any Government could have.

Mr. Nyaliki: Mr. Speaker, arising from the Minister's reply, could he tell the House what steps his Ministry is taking to remedy this situation which is common all over the country?

Mr. Mwanjumba: Mr. Speaker, if the hon. Member is prepared to listen, I told the House that the matter is being investigated and we intend to install new equipment, which has already been ordered.

Mr. Anyieni: Mr. Speaker, would the Minister agree that the whole blame should not go to these secretaries, because it is some of the Ministers who sometimes instruct these people never to say that the Minister is in the office?

Mr. Mwanjumba: Mr. Speaker, I am not aware whether any Minister has instructed his secretary not to reply to telephone calls, but I do not think that has much to do with this question.

Question No. 931

FINANCIAL ADVISER, EMBU: SALARY OF

Mr. Abogoh: asked the Minister for Local Government to tell the House why the salary of the Financial Adviser of Embu was so much larger than that of the Provincial Paymaster, Eastern Province, while Embu was only one small district.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The two posts are not at all comparable. The Provincial Accountant (not Paymaster) is an Accountant Grade I in Government Service and is responsible for carrying out departmental financial instructions within the province. He is under the control of the Chief Accountant, Office of the President. The Chief Financial Officer (not Financial Adviser) at Embu County Council has a far wider range of duties, which are detailed in Part II of the Third Schedule to the Local Government Regulations, 1963. In addition to being responsible for the council's accounting organization, he must see upon all actions of the council which have a financial bearing. He must have, as well, as a sound knowledge of financial control and accountancy practice, a wide knowledge of local permanent law and procedure.

Mr. Abogoh: Mr. Speaker, Sir, in view of the fact that many county councils in Kenya today are running without a financial adviser, can the Minister tell this House whether those county councils who are running without a financial adviser are comparable to Embu which has a financial officer?

Mr. Sagini: The question is not clear. Can he repeat it for me.

Mr. Abogoh: Yes, Mr. Speaker, Sir, I wanted to know what are the similarities or differences between Embu County Council which is running through a financial officer, and those other county councils in Kenya where there is no financial adviser employed?

Mr. Sagini: Mr. Speaker, I find it very difficult to answer him. He is talking about things I do not understand.

Mr. Malinda: Mr. Speaker, Sir, I think the question here is: Why is it necessary for Embu County Council to employ a financial adviser, whereas other county councils in the country do not? Why is it necessary?

Mr. Sagini: If you are talking of why it is necessary, it is because of financial difficulties here that we have sent a very able person to Embu.

Mr. Gichoya: Arising from the Minister's reply, and in view of the fact that Embu County Council has a financial adviser, and other county councils do not have them, why was it necessary for Embu to be thought an appropriate place to have a financial adviser who gets a lot of money from the A.D.C.?

Mr. Sagini: Mr. Speaker, Sir, some of the hon. Members ask me questions that they know the answers to. In some cases, there has been a need to give them a very able person, I can say more, and that is that we are short of this type of person. I wish we had them. In future, we hope that every county council in Kenya will have an able financial officer.

Mr. Kamau: Mr. Speaker, Sir, would the Minister for Local Government assure this House that he is going to abolish the posts of financial adviser for county councils, because the taxpayers are complaining very much because those financial advisers are using a large sum of money without doing enough work.

Mr. Sagini: Mr. Speaker, Sir, it makes me feel very sad because in some areas money is being wasted and some of these hon. Members do not help at all. As regards the state of finances among many county councils in Kenya and local authorities, it is very bad. I do not want to wash family linen in public. Where we have sent someone who is earning very high pay, I know—some of them are earning £2,000—it is because we have got to attract some of these people from overseas. Commercial firms can offer better pay and people tend to go to them. Good pay is like a magnet. This is the problem. Our present people, mathematicians from Makerere and elsewhere, have gone into private firms. Likewise, in this connexion, the best people are not in this country, so we have got to pay more and more in order to attract people from other lands.

Mr. Malsori-Jumbo: Mr. Speaker, Sir, would the Minister for Local Government assure this House that when this financial adviser leaves Embu the next place for him to go will be South Nyanza?

The Speaker (Mr. Slade): No.

Question No. 928

RECOGNITION OF EAST AFRICAN UNIVERSITY COLLEGE DEGREE

Mr. Bala, on behalf of Mr. Jamal, asked the Minister for Education how many countries recognized the degrees in Law and Medicine obtained at the University College of East Africa.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the number of pupils have increased and, therefore, the answer given to the House is inadequate, as something needs to be done immediately?

Mr. Kionchellah: Mr. Speaker, Sir, the number of Kenya Preliminary Examination candidates in West Pokot in 1964 was 160, and it will be 282 this year. Chewoyet does not, from the statistical point of view, deserve a second stream in 1965 or 1966.

Question No. 920

REHABILITATION COURSES FOR SENIOR CIVIL SERVANTS

Mr. Mbooghi asked the Vice-President whether the Government was prepared to hold "rehabilitation" courses for permanent secretaries, education officers and any other senior civil servants, so as to teach them the difference between colonial Kenya and Kenya after *Jamhuri*.

The Assistant Minister to the Office of the Vice-President (Dr. Walyaki): Mr. Speaker, Sir, I beg to reply. It is inaccurate and misleading to imply that some senior civil servants do not know the difference between colonial Kenya and Kenya after *Jamhuri*. Most of the officers now holding senior posts, or being promoted to them, have already passed through rigorous and extensive courses in this country and abroad, and it is considered that these officers are carrying out their duties as expected of them.

If the hon. Member cares to substantiate his claim of the existence of senior civil servants with a colonial mentality, the matter will be investigated.

Mr. Mbooghi: Mr. Speaker, I have two questions to put to the Assistant Minister. The first is, does the Minister recognize the fact that among the permanent secretaries and the senior civil servants there are some who are educated in recognizing the independence of Kenya and they can be used to teach others, because those who should have been taught did not learn when the others were learning?

Dr. Walyaki: Mr. Speaker, Sir, I wish I knew exactly what the question was, but if I may venture to reply to a question that I have not yet quite understood—

Mr. Mbooghi: May I repeat it? It is useless for him to try and reply to a question he has not understood. Anyway, some civil servants who are senior in rank and knowledge than others and

those in senior rank and knowledge should be used to teach those who are not so knowledgeable.

Dr. Walyaki: I do not believe it requires all that much seniority and knowledge to know the difference between colonial Kenya and Kenya after *Jamhuri*.

Mr. Mbooghi: Mr. Speaker, would the Minister form a committee for decolonization to inform the members of the public and Members of this House so that he can be advised properly on this decolonization?

Dr. Walyaki: No Sir.

Mr. Mokone: Would the Assistant Minister tell this House what colonial mentality is?

Dr. Walyaki: I do not consider that to be my business.

Mr. Kerich: Mr. Speaker, Sir, could the Assistant Minister tell the House the medicine for those Kenya civil servants who are still retaining colonial mentality?

Dr. Walyaki: Would he repeat it?

Mr. Kerich: I said, what is the medicine for those civil servants still retaining the colonial mentality?

Dr. Walyaki: Mr. Speaker, I will need to take a lesson from the hon. Member as to what kind of medicine you get to cure a colonial mentality.

The Speaker (Mr. Slade): We are getting nowhere. We will move on to the next question.

Question No. 877

GRADUATES TEACHING IN PRIMARY SCHOOLS

Mr. Lorema asked the Minister for Education whether he would tell the House why the Kenya Education policy did not allow university graduates to be specially trained to teach in primary schools.

The Assistant Minister for Education (Mr. Kionchellah): Mr. Speaker, Sir, I beg to reply. To the best of my knowledge no graduate has applied to a training college for training to teach in primary schools.

Should such an application be made, the graduate would probably be encouraged to accept training for secondary school work. The reasons for this are, firstly, that graduate teachers are expensive and the primary schools cannot afford the cost. Secondly, a university training is not necessary for teaching at the primary school level.

[The Assistant Minister for Education] and there is an ample supply of recruits with sufficient education to be trained as primary school teachers. Thirdly, and the most important reason of all, we are in dire need of graduates for teaching in secondary schools. The number of Kenyan graduate teachers is so small that we are at present, almost entirely dependent on the recruitment of foreign graduate teachers to keep our secondary schools staffed. Any Kenya graduate who wishes to teach and, it is hoped that way will, should teach in a secondary school where a degree is highly desirable, if not absolutely necessary, and thus reduce our present excessive dependence on foreign teaching staff.

Question No. 921

RETENTION OF OLD CHIEFS IN EMBU

Mr. Mbooghi asked the President if the Government could tell the House why it had been considered fit to retain some old chiefs and headmen in Embu who were there during the Emergency against the wish of the people.

The Assistant Minister, President's Office (Mr. Namweya): Mr. Speaker, Sir, I beg to reply. A similar question has already been answered by the Vice-President, then the Minister for Home Affairs, as recently as December 1964. Consequently, Mr. Speaker, I do not, or I object very strongly to doing the homework of the hon. Member.

Mr. Mbooghi: On a point of order, Mr. Speaker, is a reply in order that a question which was answered during the past year, should not come to the House if Members are not satisfied?

The Speaker (Mr. Slade): Standing Orders do provide that a question shall not be asked which is the same as a question which has already been answered during the same session. This was answered during this session, I think it would be better, when a Minister finds that a question sent to him by the Clerk has been answered already, if the Minister would return it to the Clerk of the House and point this out, so that the question will not come up again on the Order Paper.

Mr. Warltish: Mr. Speaker, is it the fault of the Member then that he asked this question, or is it the fault of the machinery of the House who should decide which questions come on the Order Paper?

The Speaker (Mr. Slade): Both. Hon. Members ought to be aware of what questions have been asked already, and know that they cannot ask

them again. They may slip-up. Then, the Clerk should disallow the question; but it can happen that the Clerks do not remember what questions have been in the House, and so fail to disallow the question on those grounds. In that case, they will mistakenly forward the question to the Ministry, but each Ministry deals with only a limited number of questions and can see more easily what questions are out of order because of repetition.

Mr. Mbooghi: Then, Mr. Speaker, is it in order that when I have been given a reply which I am not satisfied with, I should not pursue the question any further?

The Speaker (Mr. Slade): The only way you can pursue the matter any further is by raising it on an adjournment.

Mr. Mati: Mr. Speaker, I would like to get your guidance on this. Supposing we found that the question to which the Assistant Minister referred was a general question referring to the appointment of chiefs in general, would that then prevent any Member from this House asking a question specifically in a matter that refers to Embu in particular?

The Speaker (Mr. Slade): Ordinarily, the general covers a particular question, though sometimes a particular question has so much new matter it has to be justified, after a more general question on the same subject. I think in this case, the original question and answer did really cover this question.

NOTICE OF MOTION FOR THE ADJOURNMENT

QUESTION No. 921:

RETENTION OF OLD CHIEFS IN EMBU

Mr. Mbooghi: Mr. Speaker, Sir, I want to raise this on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 896

POOR RESPONSE TO TELEPHONE CALLS

Mr. Lorema asked the Minister for Works, Communications and Power—

(a) if the Minister was aware that there was a serious deterioration of response to telephone calls these days at the exchange in both Central Government and the President's Office;

(b) what steps was the Minister taking to ensure that this state of affairs was stopped?

Mr. Mwanjumba: Mr. Speaker, Sir, this can be arranged any time from now.

Mr. Ngata: Arising from one of the replies from the Minister, could he tell the House how he reaches the conclusion before the investigation that the service to these areas would not be economic?

Mr. Mwanjumba: Mr. Speaker, Sir, surveys are made from time to time in every district and in every province and therefore the last survey which was carried out showed quite clearly that, because of the sporadic distribution of the population in this area, it is most uneconomic for the Government to embark on this very costly venture.

Question No. 874

PHOTOGRAPHS BY TOURISTS OF AFRICAN PEOPLE

Mr. Lorema asked the Minister for Information, Broadcasting and Tourism whether he would take urgent steps to advise the tourists and all cameramen in the country not to take pictures of any person or group of people—especially those dressed in traditional clothes—without their consent.

The Minister for Information, Broadcasting and Tourism (Mr. Achungi-Oneko): Mr. Speaker, Sir, I beg to reply. The established practice in this country is that anybody who is licensed to take cinematographic films under licensing rules 1962, is given two restrictions:—

- (1) No filming may be done in Kenya's Game Parks without the permission of the Chief Game Warden and/or the Director of the National Parks.
- (2) No filming may be done in African areas depicting traditional life without the authority of the local administrator; namely, the district commissioner of the area or the district officer, whether a person or persons are traditionally dressed or not. By that we mean, sometimes, traditionally, a person may be half naked.

This covers the taking of any photographs as well, even for Government consumption. Journalists, tourists or any other visitors are always advised accordingly. Consent of the person or group of person must, therefore, be obtained first. But we must be polite even when refusing tourists, or anybody else for that matter, permission to take photographs.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, would the Minister take steps to make sure that this information is put in the tourists

books or travelling brochures so that there is no more embarrassment caused?

Mr. Achungi-Oneko: Mr. Speaker, Sir, the law of Kenya provides for the protection of the individual and I would like to state, Mr. Speaker, Sir, that the established practice in the country is that anybody who is liked to take photographs under the licensing rules of 1962, is being governed by that particular clause, which means that tourists and the journalists are normally advised and given information regarding taking photographs in the country.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that the Minister referred to a rule made in 1962 when the imperialists in the country did not care if Africans were degraded by taking their pictures.

The Speaker (Mr. Slade): There is no need for that Mr. Mbogoh. Will you ask your question?

Mr. Mbogoh: Yes, Mr. Speaker. Will the Minister agree that such pictures degraded the dignity of the Africans when they are, taking people naked?

Mr. Achungi-Oneko: I do not understand the question, because if he refers me to such pictures. I do not know them or of such photographs.

Mr. Nyaliki: Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House what methods he has through which these people dressed traditionally could get this information and would only be photographer with their permission?

Mr. Achungi-Oneko: Mr. Speaker, Sir, the District Commissioners and the District Officers are fully aware of what to do, and they are in direct contact with the public and representations of the Government in their areas, and I think that can be easily explained. I would also like to take this opportunity to ask the hon. Members to explain it to their people, especially in the remote areas and if there is any suggestion which the hon. Members wish to make either to publicise this sort of thing then my Ministry would be quite willing to do so. I am referring to the remote places like Turkana and Northern part of Kenya which I know is very difficult to reach.

Question No. 875

GOVERNMENT OFFICERS' HOUSING IN KAKAMEGA

Mr. Godia asked the Minister for Health and Housing if he would tell the House what arrangements he had made for a scheme for housing of officers of Government, Regional or Local Authorities in Kskamega, especially in tenant-purchase houses.

The Minister for Health and Housing (Mr. Orendi): Mr. Speaker, Sir, I beg to reply. The Kakamega Urban Council has submitted an application for £39,000 for housing for Government officers in Kakamega. These funds are being released soon and the scheme has already started.

Previously, a loan of £18,900 was approved by the Central Housing Board in July 1964, for a tenant-purchase scheme. Tenders have been called for by contractors, and it is anticipated that this housing scheme will commence at an early date.

Mr. Godia: Could the Minister tell the House what this will cost each tenant-purchaser wishing to occupy such a house?

Mr. Orendi: The approximate cost of each house when completed will be about £750.

Question No. 875

KENYANS WITH PROSPECTING LICENCES

Mr. Lorema asked the Minister for Natural Resources if he could tell the House how many Kenyans held prospecting licences and how many were in the field.

The Assistant Minister for Natural Resources (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. Fifty-sixty-five Kenyans are in possession of prospecting rights authorizing them to prospect for minerals in Kenya.

Secondly, twenty-five Kenyans are known to be actively engaged in prospecting. It is probable that the total exceeds this figure, but in the absence of positive results or the bringing in of samples to the Mines and Geological Department for examination, no further details are available.

Mr. Balala: How many of these sixty-five prospectors are actually prospecting in the Nyanza Region?

Mr. Mohamed: Mr. Speaker, Sir, I unfortunately do not have the breakdown of details province-wise, since the question mentions the whole of the country. But if the hon. Member could want those particulars, I would be very glad to furnish him with the information.

Mr. Omeri: Mr. Speaker, Sir, since this prospecting could bring results which would benefit our country, what is the Ministry doing to encourage and help the prospectors to understand the best way of arriving at positive results?

Mr. Mohamed: Mr. Speaker, Sir, as far as Kenya citizens are concerned, short courses are

held periodically in the Department to assist those who wish to obtain a prospecting licence. The courses include explanations of the law relating to prospecting and mining, together with lectures and demonstrations relating to mineralogy and elementary survey.

Question No. 914

AFRICANIZATION: EXCHEQUER AND AUDIT DEPARTMENT

Mr. Mbogoh asked the Vice-President whether there were any Africans who had been tipped to hold the following posts:

- (i) Director of Exchequer and Audit.
- (ii) Controller of Exchequer and Audit.

The Assistant Minister, Office of the Vice-President (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply. The posts mentioned in the question do not exist. There is therefore no question of anyone being "tipped" to hold them. In any case, it is erroneous to imply that anyone is ever "tipped" to hold any post in the civil service.

Whenever a vacancy occurs or is anticipated, the normal machinery for filling it is automatically set in motion by the Public Service Commission in conjunction with the Ministry or Department concerned.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, is it that they do not exist or that they never existed?

Dr. Waiyaki: As a matter of fact, Mr. Speaker, if I may help the hon. Member, the correct names for these posts are Controller and Auditor-General and Director of Audit; he asks about people who do not really exist.

Mr. Mbogoh: Mr. Speaker, if the Assistant Minister knows what I was getting at, would he give me the correct reply?

Dr. Waiyaki: Mr. Speaker, I am sure I gave the reply.

Question No. 876

DOUBLE-STREAM CLASSES FOR CHEWYOT HIGH SCHOOL

Mr. Lorema asked the Minister for Education when Chewyot High School was going to have double-stream classes.

The Assistant Minister for Education (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. It is provisionally planned to start a double stream at Chewyot during the 1965-1970 Development Plan period.

[The Speaker]

it is not very convenient to leave over ten minutes of a reply for another day, but it is for the House to consider anyhow.

(Question that the question of the amendment be now put and agreed to)

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the Second part of the amendment, that the words to be inserted in place thereof be inserted, proposed put and agreed to)

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): The Motion is still open to debate unless the closure is again moved.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I will put that question to the House.

(Question put and agreed to)

Mr. Gichoya: Mr. Speaker, Sir, on a point of order, the Minister for Economic Planning did speak on this debate and, as one of those people who had already spoken, I do not think that it is in order for him to propose that the Mover be now called upon to reply.

The Speaker (Mr. Slade): It is actually in order for any hon. Member, whether or not he has spoken, to propose the closure on a point of order, though in the ordinary way I do not entertain that proposal from an hon. Member who has spoken when other Members have not spoken. But here Mr. Mboya was pointing out, for the convenience of the House, that we have only another ten minutes anyhow and we would like to finish this debate today. I think that was reasonable, and I would have been glad if some hon. Member had pointed out the same thing if he had not. So, I allowed him to do so.

Mr. Arerani: Mr. Speaker, Sir, I thank all hon. Members who have contributed something to this Motion on Turkana and then, also, I thank the Minister concerned with that reply, Sir, that the people of Turkana should be given something as soon as possible. We want to be given a date or something to do with timing; as soon as possible always means nothing much, it is so vague, it is not constructive. As soon as possible means three years, four years, or six years, something like that. But, as regards this thing here, we want to be given the time, the date, as soon as possible. Does it mean tomorrow? Does it mean 1970 or 1980? If I come again here to ask the same thing, they will say the same thing: "as soon as

possible". It is meaningless. We have found that out. These are the tactics of the Government to bluff the people so that if they say, "oh! this will be done as soon as possible!" the people will think that these things will be done straight away.

Mr. Speaker, I have accepted this amendment from the Minister or from the Government but I want to be assured that we can see these things this year, water, schools, hospitals or something like that, like the Somalis, like the Masai, like the Samburu. I want these things to be assured in this House. I do not want to be told, "as soon as possible"; it is meaningless, Mr. Speaker. What do I go and tell my people? That they are going to do this and that. When? Then I tell them to work hard but they cannot work hard without water and without grass. I told the House, Mr. Speaker, that these people do not have grass, do not have water. They cannot live without water and grass, they live off their cattle; their cattle are taken out to grass, they are taken out to drink water. This is their way of living of these people. Without these things they will not be able to live. I wish the Government could contribute something this year, that they would say "this year you can have boreholes" rather than saying "as soon as possible" when our people can say, "let me go to Ethiopia, or to Uganda, or to the Sudan, where we can be given some water." I do not see why they should not, since they are near the Sudan, they are not even like Mander or somewhere in Israel, it is here. We want water where the grass is. The cattle graze where they have water and where the people live.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): Since the Mover has finished replying, I will put the question.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT in view of the fact that the Turkana District was neglected by the Colonialist Government in all spheres of development, this House urges the Government to consider for that district an accelerated education and social services, including water, construction of dams, boreholes, and livestock improvement.

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. The House is now adjourned until Tuesday, 2nd March, at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

Tuesday, 2nd March 1965

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

SENATE INSISTANCE ON AMENDMENTS TO BILLS

The Speaker (Mr. Slade): I must inform hon. Members that I have received two messages from the Senate.

The Senate returns the Kenya Meat Commission (Amendment) Bill and the Industrial Development (Amendment) Bill, together with copies of votes and proceedings and informs the House of Representatives that the Senate has insisted on their amendments thereto.

SENATE RESCINDS AMENDMENTS TO BILLS

The Speaker (Mr. Slade): They have also rescinded the Sital Industry (Amendment) Bill and the National Youth Service Bill, together with a copy of the votes and proceedings and have informed the House of Representatives that the Senate have rescinded their amendments thereto; that to say, they have now agreed with this House.

NOTICES OF MOTION

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

FINANCIAL ASSISTANCE FOR HARAMBEE SECONDARY SCHOOLS

THAT, in view of the fact that secondary education for the masses of Africans in Kenya is still inadequate, this House calls upon the Kenya Government to accelerate the speed of expansion of secondary education by fully aiding all newly-opened self-help Harambee secondary schools by not later than January 1966.

ADMINISTRATION MOVE FROM VITHIGA TO KAKAMEGA

THAT, in view of the lack of facilities for girls' boarding secondary education in Western Province, this House calls upon the Government to transfer the Administration machinery from Vithiga to Kakamega, so that the present buildings being used by the Administration may then be used to serve girls' educational purposes.

GOVERNMENT PAID DRIVERS FOR MEMBERS OF PARLIAMENT

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

THAT, in view of the fact that many of the hon. Members of Parliament have met with accidents and death while driving themselves, due to the fact that they cannot all afford to pay for drivers because of their financial difficulties and, also, due to pressure of work in their constituencies, this House urges the Government to employ drivers for the Members of Parliament and to meet their salaries which should be called "Drivers Allowances".

ORAL ANSWERS TO QUESTIONS

Question No. 858

ELECTRICITY FOR MARAGOLI, TIRIKI AND OTHER PLACES

Mr. Godia asked the Minister for Works, Communications and Power if the Minister could tell the House the minimum cost of supplying electricity from the main Kisumu-Kakamega line to the people living in Maragoli, Tiriki, Bunyore, Idakho, Kisa, Isukha and Butsoito.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. It is not possible at the present moment to estimate the cost of supplying electricity in the areas mentioned by the hon. Member. This Ministry has to make intensive investigations if this has to be carried out. At the present moment, however, it is not likely that even when an investigation is carried out it will be economical to supply electricity in the said areas. If, however the hon. Member wants the Ministry to carry out these investigations he should ask for the same.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply given by the Minister, does the Minister imply that there is no need for supplying electricity in the said areas and that it is why he is giving such a negative reply?

Mr. Mwanjumba: Mr. Speaker, Sir, I do not say that there is no need for supplying electricity in this area. I say that investigations have not yet been carried out, and even if they are carried out, the supply may be uneconomic.

Mr. Godia: Could the Minister tell the House when he hopes the investigations can be carried out, in order to assess the needs of the people in that area?

[Mr. Weribibi]

people of this area, does not seem very convincing, particularly in an area like the Turkana, where we must, in the first instance, accept the fact that in the illiterate areas, and where you might expect the same spirit of development, understanding, realization, it may not be forthcoming. I do not think anybody can convince me that you need to educate people that they require water for drinking or cooking purposes. I do not think, either, that people who have livestock, will see that their livestock dying through lack of water. They require an education for them to realize the need for boreholes. Similarly, with this question of hygienic conditions and social services, the Government comes and tells us that the Members for these areas must co-operate, educate their people. I do not seem to understand what the Government is trying to say. If it is just a question of education, the Government knows that for the good of the people of this country, they need education, no matter what part of Kenya they come from. If the Minister is telling us that the Members for Turkana must go back to their people and explain to them the value of education, I fail to understand where we are heading to! If it is social services, things like health, hospitals, health centres, I do not understand the type of education required or co-operation the Member requires.

The Government knows exactly what is required for this area, and what is needed for the Government to provide these facilities. I will go further and say that it is not only the Turkana area. There are some other parts of Kenya, like the Masai area, and other parts of the Coast Province, which require, as I will put it, a deliberate effort to bring them to a level nearer to other parts of the country. I say this, that if you have a country like Kenya, which is unevenly developed country, these are some of the sources which may bring about trouble for people thinking they are neglected, and people feeling that more money was being spent on some areas, and other areas being neglected.

I will even go further and say that the Government might have to think of introducing legislation where they can compel the people in some areas to accept the modern way of living. Take, for instance, some parts of the Masai country, where you find people objecting to direction of schools. Now, if a Government is going to say that these people are objecting, therefore, they are not going to give them education, this is a very serious matter. Further, Mr. Speaker, the argument put forward a few minutes back is that people in the area must come forward, show initiative, and then the Government will step in.

I do not think this is the type of development which most of us think our country should have.

Now, to go further, Mr. Speaker, we have been told here that the area is going to be visited, discussion has been carried on, consultations have been made with the Members for the area, and what we would like to see is a beginning that these things are going to be done. It is no me having the plan and nothing comes out of it. Some of us would like to see what this so-called African socialism means, where it is heading. Up to now although we are told our Government is about a year old we are waiting to see by action a deliberate plan and programme where this so-called socialism is leading us to, and then we will be able at least to see.

What I am trying to say is if it is, let us say in the line of taking this area for instance, African socialism in terms of providing water for human consumption. Let us see it in real terms, being done for the Turkana, then we will understand what the Government means.

So Mr. Speaker, Sir, to end up I would say that we are getting fed-up with our Government in talking of collecting material, surveying, visiting and nothing seems to be moving. Even if it is a year, or six months, we should be beginning somewhere then we would see.

Mr. Lorema: I also wish to contribute to this Motion, and have just a few things to add on this Motion.

In the first place I would like the Government to see this issue or this Motion from this angle: that is to say that we take Government as being the father and then the Turkana as a child. Now when a child is crying for food and the father says, all right you will get it at about four o'clock or such-and-such a time, you seem not to appreciate that this child is hungry and needs food. We want the Government to picture this Motion just like a father and a child. I am glad that the Motion, Mr. Speaker, Sir, is very meaningful at the moment. Though the Minister might have tried to twist it, it is still there. The word "neglected" is still there, and so is "acceleration". Those two words are very important, Mr. Speaker, Sir, because for one thing if the Government can see that the Turkana were neglected then underline that word "neglected" and see what they can do and then accelerate.

Let them underline those two words. Now, Mr. Speaker, Sir, I think for many times we have been saying those of some of us from backward areas are very concerned with this Motion, and as my hon. Member has already heard this view from these under-developed areas, that several of us have been trying to signal to the Government that

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[Mr. Lorema]

need such-and-such and nothing practical areas need. Every now and then only that is what the Ministers want us to do is to approach them properly and privately in their houses and then explain to them that this and that is needed. That should not be the work of our Government. The Government should have strong machinery. The Government has civil servants who should plan. It is not a question of saying that the Members should come and say, what do you want, we can contribute in that way, but there are civil servants who also know and who have these people in their hearts that the Turkana are asking for this and that in their daily work. That is not a point. Also the Minister has said that the Members will take about twenty years or maybe fifty years. If the Minister has the mentality of saying that probably Turkana will take about twenty or fifty years to develop, then nothing will be done. What we want done is for the Government to try and contribute just an inch of development in that area and then that will be appreciated. So that we will not get a sort of a mark to show that it is the Government's intention to show that Government is entering into this thing fully.

Now, Mr. Speaker, Sir, if I may say that a neglected plan to the Turkana certainly requires see very minor and primary things to begin with. For example, if the Government gave Turkana education, hospitals and water and then meanwhile you are planning for the date of the hard things, so much the better. Also the Government should realize, Mr. Speaker, Sir, that it has already committed itself in that manifesto which says that the Government intends to get rid of or wipe the following enemies: ignorance, poverty and diseases. But as it fought for these things in Turkana they are still prevailing in those areas. Now what is the Government doing? These people are taxpayers and they are also contributing. Do you think that Turkana is crying they want help; you just ought to help them because they happen to be Turkana. We want you to help them and show them the responsibility of having the whole top of Kenya with you.

Now, Mr. Speaker, Sir, we are very concerned with this issue and we do not want this thing to come again to this House, the same question of help. Asking things several times when we ask the question in this House we are told there is a committee and that the Government is considering it. We are fed up with those type of things.

Now it has been quoted also by the Mover of this Motion that Turkana has some sort of political significance. Now you do remember the

Leader of the Opposition saying that they should do something to draw the attention of the Government. Also the joint Kaniu Party. Such minor things are very important. Above all, Mr. Speaker, Sir, as the Minister said, we would like to have a general policy for these backward areas, because the Government has committed itself very much, that they would like to develop these backward areas. We would like to see the policy in action. We are very concerned. Kenya at the moment is one of those, and all the other countries are still under-developed, and we see the Ministers running to England, America, Russia for aid. Why? Because they are still under-developed and we still need a lot of development. Now, we Members, elected people to run the Government, and we want this and that. You tell us now to go away and be patient, and tell our people to use their initiative. We would like this to be bold and also for our Minister in our Government to be active on this.

Now, Mr. Speaker, Sir, in the Six-Year Economic Plan, nowhere is Turkana mentioned there— not a word to say they are going to get this and this. You will wait after six years or twenty years, where shall we be? Where shall we end up? So we want action. If possible let that be cleared completely full of the leaves and make a complete book in which we can put all the areas of Kenya.

Lastly, Mr. Speaker, Sir, although these are small things, these people are very important. What we have been trying to say is that the Ministers and our President should try to visit those places of interest to themselves. Now we do not like this. We would like the Ministers to have a programme to visit places like Turkana and all those other places. Next month he will visit Ukambani and Kikuyu, where he visited last month, again. Why can they not visit Turkana? There are no roads they say. Are we supposed to make these roads?

My dear Ministers can put things right with the Government. Thank you very much, Mr. Speaker, Sir.

The Minister for Economic Planning and Development (Mr. Afuya): On a point of order, Mr. Speaker, Sir, since there is much agreement on this Motion, while appreciating that some Members wish to speak, I wonder whether I could ask that the question of the amendment be now put, so that the Motion is settled today instead of next week?

The Speaker (Mr. Shide): I will allow the House to consider that because, in any case, we have only ten minutes to run if we rise at the ordinary time and allow the full time for this debate. I think

[The Minister for Economic Planning and Development]

to the Government's programme in the North-Eastern Region. I do not think that the spirit here should be one of saying, "Why did they get this, why does Government concentrate on developing that area?" Surely, this is part of the country of Kenya, and these are some of the Kenya people who have been left behind and neglected? And we should be congratulated for doing something in the area rather than being blamed for doing something in the area. What we should be asked is to do more in all the other areas. Let us not have this spirit of blaming Government for having done something in part of Kenya which needs that something doing for them. The people in the North-Eastern Region are part of this country. This has been at the heart of the issue between us and Somalia. Now who denies in this House that the North-Eastern Region is part of Kenya? Who denies in this House that this part of Kenya was neglected during the colonial régime? Who denies in this House that they need an accelerated programme of development? If that is being done by the Government, why should anyone blame us for it?

What we need to do, Sir, is to set out on merit the case of each situation as it comes up. There is great merit in development for the Turkana District and you can make a very good case for the Turkana District without even referring to the North-Eastern Region. I think it is a confusion of ideas that people should think that the North-Eastern Region is the biggest argument for development in the Turkana District. It is not. There is a very big argument for development in the Turkana District without talking about the North-Eastern Region.

An hon. Member: Yours.

The Minister for Economic Planning and Development (Mr. Mboya): Well, the danger is that you can get lost in a forest of words and fall to see the road ahead!

Mr. Speaker, there is a lot that can and should be done in the Turkana District. The question of water development we accept; the question of boreholes to improve the water supplies we accept. Additionally, the whole question of surveys and improvement of livestock we accept. With regard to natural resources, the Ministry is very busy, trying to see what can be done in this part of the country, but we cannot run to the natural resources in the area, we have got to try and find them.

Mr. Speaker, some people talk here in terms of twenty years. I might, perhaps, enlighten them by

saying this. There are countries, for example, Nigeria is one, where they have been looking for oil for almost thirty years and over, and it was not until recently that they struck oil. So, the whole question of survey, and trying to look for natural resources, or mineral resources, for that matter, and oil, is one which requires a lot of patience. If these people are in a hurry, if they do not get it in one year, they give up, so they might just as well leave it in the ground. So, the hon. Specially Elected Member, Mr. Komoo, might very well be building a hut on top of some oil, which he has refused to see because he was in a hurry to find it. I hope that they will be patient, and that we all know that we are concerned with building a nation, and building a nation is not something which is going to be completed, in some cases, not even in our lifetime.

Sir, having said all that I have said, I feel that the Motion, once accepting it in spirit, accepting all that it wants, the construction of it and the wording of it is not quite clear, and will not help the Turkana people. Consequently, I have consulted with the Mover of the Motion, and he agreed with me that the following amendment to the Motion would bring it into line with what we are in fact going to do.

I move therefore, an amendment, that we delete all the words after the word "consider" in the third line, and substitute in place thereof, the following words:—

— for that district an accelerated programme of development in the field of education and social services, including water, construction of dams, boreholes and livestock improvement."

Then the Motion, as amended, would then read:—

THAT in view of the fact that the Turkana District was neglected by the Colonial Government in all spheres of development, this House urges the Government to consider for that district an accelerated programme of development in the field of education and social services, including water, construction of dams, boreholes, and livestock improvement.

Now, Sir, the House may wonder why we are leaving out this idea of setting aside a substantial sum of money. Development does not depend on setting aside a substantial sum of money. Development includes technical and other facilities, which cannot be measured in just setting aside a sum of money. Consequently, an accelerated programme of development would include provision for farms funds, including men and

[The Minister for Economic Planning and Development]

and that is what the Government intends to do.

I beg to move.

The Assistant Minister for Education (Mr. Mwangi): Mr. Speaker, Sir, in seconding this amendment to this Motion, I would like to mention a few things which I think are beneficial to the Members of this House, and they are that everybody, just in the same way as the Members of the Turkana area, is very much concerned, and is much aware of the position and situation that exists in Turkana District.

Now, Sir, we all know that changes cannot take place overnight, and it is true that in order to have any kind of development or any sort of planned economy, there must be a development plan. It is true, Mr. Speaker, we have already resolved a development plan, which according to the red book takes us up to 1970. Now, in this five-year Development Plan, Mr. Speaker, we have already included some of the things which this Motion is asking, and we are sure that in the field of education within this period, Mr. Speaker, a lot of schools will be built for the Turkana people, and also some other benefits will evolve as a result of this plan.

It is true, Mr. Speaker, that in order to help the Turkana people, the leaders from the area have, first of all, to show the initiative of educating the people locally so that they understand what the Government is doing for them. It is no use, Mr. Speaker, for any Member here to say that unless the Government does this for the people, when the people themselves are not conscious that the Members themselves visiting these areas. The Members in this Chamber have been able to visit many areas and many parts of the world. They have seen development, and they have seen countries which are in the same position as the Turkana. It is up to them, Mr. Speaker, to educate their people, particularly for them to see the need for it, not only for keeping them moving here and there, which makes things very difficult. Mr. Speaker, it is true, Mr. Speaker, as one Member said, there is law and order, and it is also true wherever they move they move to places where there is water. If these people were to live where there are some wells, we would have to preserve those wells, and more development could take place in those areas, Mr. Speaker.

Mr. Speaker, I think it is equally right, when to talk of development. It is not possible to develop a country where people themselves are

not really conscious of their needs. I think, Mr. Speaker, the Government has shown the need for helping the Turkana people, although they are not the only ones. Already, it has been shown in the North-Eastern Region that the Government is going to help that area, and the Turkana people are also receiving attention from the Government, and I am sure the Government will do its best to help the Turkana people. I would like to appeal to the hon. Members from that area also to play their part in educating their people, knowing exactly what they should do to help themselves. Here in this House, a speaker has spoken and he has said what the Government has to do to help the people. This kind of development is something which has to come from both sides. I do think, and I do not consider even those areas which are developed today, were developed by the Government without the help of the local people, and this is what the Government is coaxing the Members from the area to encourage. Even when the Government comes to the land, they seek the co-operation of the people.

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

Hon. Members: Sit down.

The Speaker (Mr. Slade): Order, order. It is quite out of order for anybody but the Speaker to tell hon. Members to sit down. I will propose the question of the amendment.

(Question of the first part of the amendment that the words to be left out be left out proposed.)

The Speaker (Mr. Slade): This amendment is not conveniently severable, and hon. Members can speak generally on the main question, if they wish.

Mr. Warlithi: Mr. Speaker, Sir, I rise to support this Motion and also the amendment. As far as I am concerned, the wording is not very material. What matters is the spirit underlying the Motion and what it is intended to do. Whether you have the wording as it is or with the amendment by the Minister, it does not as far as I can see, make any material change. The thing I would like to say, Mr. Speaker, is that this Motion calls for the development of the Turkana area to provide what may be called the bare necessities of life, and a Government like our own Government, which we have elected governing this country for the interests of the people of Kenya, should be in a position to provide the basic needs of the people who live in this country.

The argument put forward by the Assistant Minister and also partly by the Minister that they would like to see initiative coming from the

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[Mr. Oduya] and give gifts to people are not considered at all, they are not brought into the picture. Kiambu was given £1.8 million for a water scheme. What about Turkana, how much has been given to the Turkana people? This is a deliberate attempt to ignore the Turkana people. How can the Turkana people develop without help? This is the reason, Mr. Speaker, I ask that the Kenya Government give the Turkana people an Assistant Minister so that their problems can be contended within the Government circles.

(Question proposed)

Mr. Ekeltar: Mr. Speaker, Sir, I do not want to say as much as the previous speakers have said. It is all quite true. Mr. Speaker, Sir, it is a very serious thing if our own people are being neglected and nobody sees this. The Government just comes here and answers us as the Assistant Minister answered me yesterday. I could almost say that we could bring force to bear. We are very serious now and this is a very serious thing, Mr. Speaker.

When the Turkana people are being neglected, we cannot sit here idly; the Turkana people sent us here to work for them. When our own people are being neglected, who can bring it to this House but us? We have been neglected, Mr. Speaker, and this is a very serious state of affairs. I would point out that during the colonial régime I personally was with Members of the present Government there, gentlemen like Mr. Kagga, Mr. Paul Ngai and the rest of the people who were sent to Lodwar during their period of restriction. They saw how things were up there. We want good living conditions; we do not want just to be offered a cup of water, bread without butter.

This is very serious, Mr. Speaker, and I do not like it when we, Members, here tell the Government about our problems and no action is taken. This is very bad. We were the first people to be in Kanu; we must pull together. It is no use our coming here and shouting without any action being taken. This is very serious, Mr. Speaker.

I do not want to say any more, Mr. Speaker, so that I can allow other Members to support the Motion.

Mr. Speaker, I support the Motion.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, it will not be necessary for me to use the whole of the twenty minutes, because essentially this is a

Motion which should not have any controversy because it says precisely what both the party and the Government have already committed to. I congratulate the Mover of the Motion for his consideration of his constituents and for the district in general. I am sure that he, as well as hon. Members in the House, recognize that already the Government has promised and undertaken to consider as a matter of urgency the development of those areas of the country that were not given the same opportunities in the past. The only point that I would like to make is that Members will at least take into account that the points that development of these areas that have been left unattended to during the colonial régime cannot be accomplished overnight. The Government plan was only introduced less than twelve months ago. In that period it has not even been possible to establish the basic framework for it to begin to show results, leave alone in the Turkana District, but practically throughout the country. There is a definite need for us to move faster in such areas, such as the Turkana District, and we accept that provision, not only accept it now but it has been our policy right from the start, it has been part of the provision in the economic structure and part of the Government throughout this period.

Mr. Speaker, I just want to make some observations, having conceded the points about developments, such as the hon. Mover referred to, on some points made by the speakers who have supported the Motion.

The Secunder of the Motion rightly referred to Ministers travelling around the country discussing and talking about development. I think, Sir, it ought to be recognized that this is our country where the Ministers apply themselves very conscientiously to their jobs, and where there has been, in the last twelve months, a very deliberate and definite attempt to bring to the people as closely as possible and as directly as possible the work and thinking of the Government in the field of development; and to associate them with these ideas. Not only that, but also to generate in all the people, at village, at county council or district level, the idea that certain initiatives must be taken by the people themselves and that leaders at the village and district level have a real and personal direct part to play in the efforts towards development.

Development, Sir, is not entirely a Government effort. Government must give a sense of direction to it, Government must help people to see a purpose in it and Government must help to build the infra-structure that is necessary for it. But, in the final analysis, the response of the people, the energy of the people and the initiative of the

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The Minister for Economic Planning and Development]

people at the village and district level is going to determine the pace of development throughout the country and in all the various parts of the country. Consequently, it is necessary as we speak about this matter both to take into account what measures the Government can take as well as what measures the people themselves, locally, can take.

It is considered that in some areas that local people are able to do more than in others; and Turkana is one of those districts where the local people are not in a position to do as much as would be expected of the people in some of the other districts. Consequently, a district like Turkana would be less able to engage in self-help schemes and things like that for their own self-improvement, and would need greater assistance.

All this, Sir, Government has felt, and it is in this spirit that the Government wishes to approach the whole question of development, not only in the Turkana District but also in a few other districts that have been similarly affected by past neglect on the part of the Colonial Government.

Now, Sir, when we talk of development, it is as going to help the Turkana people for any Member in this House merely to shout about twenty years to come, as they have done. The Turkana people still need to be developed, and it is not going to take one year to develop the Turkana people, it is not going to take five years to develop the Turkana people, it is going to take more than twenty years to develop the Turkana people; it is going to take more than fifty years to develop this country to the standard we all aspire to. When we talk about these things we are not to be realistic about them. Development is not a thing that is done in finality, it is a progressive thing, it continues. There is not a day or a year when we shall reach the point when we can say, "Now we are fully developed." There is no country in the world that has reached that stage, because as you develop, as you acquire new standards and as you reach new heights, so you begin to think about other standards and so development is a continuing process; it is not a process which has an end. And let us not talk of these things in vague terms and generalities.

Mr. Speaker, I hope that no one will begin to misunderstand the hon. Members from Turkana that it is more sympathetic to talk to them in terms of development in six months rather than an orderly, graduated programme of development over the next period. It is not going to help them except to mislead them, and the Government would not

like to be a party to any attempt to mislead the Turkana people as to what they should expect over the next few years.

Mr. Speaker, Sir, the right approach, which the Government makes, is that in trying to assist the Turkana people in their development, we must not just do for them what we think they need for themselves. What we must do is to work with them for their self-development or self-improvement. The beginning of that is to work with the hon. Members who represent the Turkana people. It is with them that we must sit down to agree on the orders of priority and the various items of development that must be carried out in their area. If we merely move in to develop the Turkana people as an act of generosity, we might, in fact, be misusing our resources and not getting the response that is required, because the only development that matters in the Turkana area is that which is going to stimulate among the people in the Turkana Region a sense of pride in their own self-improvement, not something which is done for them as an act of generosity and just placed there, so that they do not value or recognize it.

Therefore it is the intention of the Government to consult very closely with the elected Members from the area and decide with them how best we can approach the whole question of development in the area. I hoped, Sir, that the hon. Mover of the Motion would at least have mentioned this part of the Government's approach; and the hon. Secunder of the Motion rightly asked that the Minister responsible for development or planning should visit the area. I accept that suggestion, not because the suggestion has been made by the hon. Secunder of the Motion, because long before notice was given of this Motion in this House I personally called all the elected Members for Turkana, including the Senator, and discussed with them the possibility of a tour of the area in order to discuss on the spot problems of development in the area. They are busy right now organizing this tour in order that we may discuss in the district what would be the best order of priority in their programme of development.

Now, Sir, I was hoping that the hon. Mover of the Motion and the hon. gentleman who spoke afterwards, also from Turkana, were going at least to give us the credit for having taken the initiative already, long before this Motion came here, but, of course, these things we have learned not to expect. We have learned to expect to be blamed for everything that happens to everyone!

Now, Sir, I just make two further observations. Firstly, too much reference is being made

[Mr. Aramian] do suffer a lot. The troublemakers are the ones who can gain a lot from the Government. I have said I have some examples of these Kikuyus who make trouble for the Government, they are now highly respected persons in Kenya. They did a lot, made a lot of trouble for the Government, they are the ones now being given priority, the first priority in the eyes of the Government. Then all the *Shillias* in the Northern Frontier District do the same thing. I used to represent the North-Western Province. I used to represent that during the colonialist régime. All these districts are the same, I used to represent six districts all of them the same. When the Somalis brought this trouble the Government feared them, they were given something, they were given secondary schools, primary schools, they were given water, they were given town. Then the Turkana who used to be loyal to the Government are convinced by the President and the Vice-President who are convinced by the leaders of the Government here, were told that you are loyal to the Government, you are this and that. We shall do this and that for you.

Mr. Speaker, Sir, this thing here is very shameful to the Government. The leader of the Government stayed there for many years, they have experience in that country, more than I have myself, but then I have not even gone to school. I was too old by then. Now when they leave there they forget a part of their own country, where they are suffering. It is part of the country. Last time here I heard that little man here saying that they have given fifty thousand to Somalia. The leader of the country here has visited Somalia, he did not even see this, being in Garissa, the North-Eastern Region as a whole. I think he knows Machakos and Meru and then comes this way.

I think I am speaking the truth on this. He knows Lodwar, he knows Lokitaung very well, where he stays. I hear that last time he was there some money was allocated for the Masai for water development. The Masai country is somewhere near here, where the people cannot walk even fifty yards or a mile. Even in Kiambu here, whether the people can just pop in a little way and get water. All this. Our brothers here in Masai, but they do not know much about the Turkana, but they forget, leave them alone. They say, "I am living here, but I cannot forget you," but they do forget. One told me that he cannot forget the Turkana. I saw him, I was with the hon. Ngeli, and the hon. Kagga myself; they are the ones who asked me to join the Government. Then, when they get there they forget, they forget everything when they came to Kiambu, Mombasa, Machakos. Last time, when the colonialists

put them there in Lodwar, they found the people treated them in the way they liked. That is why Mzee sent Mr. Jaramogi, the Vice-President to Lodwar during the colonialist régime to see the way of giving the people water, education, fire-wood and other services—the social services are too poor, there is nothing there.

Mr. Speaker, I beg to move.

Mr. Oduya: Mr. Speaker, Sir, the Motion before the House is a very important Motion which I think the Kenya Government must consider very seriously, because we are just about fed up with the attitude of our Government towards the Turkana people. So many questions have been asked by the Turkana Members in this House, asking the Kenya Government Minister to take the initiative and visit Turkana and examine the problems of the people there. To date nothing has been done. But since we now have a Minister for Economic Planning, I wish to take this opportunity of asking him, since other Ministers appear afraid to visit Turkana, thinking that this is a remote area, to go to Turkana as soon as possible. At the moment our Ministers appear only interested in visiting already established places like Mombasa, Nakuru, Kisumu; only big towns where they have big hotels and they can meet friends and just waste time.

What I am asking now is that the Minister for Economic Planning to take this into his hands and save the Turkana people from all this poverty stricken life.

The Member for Turkana has explained fully, the Mover of this Motion, the problems they have experienced. He has also explained fully to the House and to the country that the present leaders of this House were there before and they saw the life which the Turkana people were leading, and since their return, they have been in power for nearly two years, they have not taken any interest or have not even sent one Minister to Turkana to see what they could do for our own people there. When the question about the Turkana being tortured by other tribesmen from Ethiopia came to this House, the Government was just sitting around here and there. When the question came about the Turkana health services the Government was just sitting around and one of the Junior Ministers, the then Parliamentary Secretary, was just so brutal that he was speaking as though he was in Heaven; he did not answer the question, in accordance with the Turkana's request and this is where the Minister who has been established to deal with this problem, economic planning should definitely see that something is done. Also, I should like to

[Mr. Oduya] urge him that some of the investors should be taken around and shown the Turkana District. It is not actually, Mr. Speaker, Sir, the mistake of the Turkana people. When the colonial régime visited this country they used the Turkana district as a museum where they took visitors from abroad to take pictures and said, "Look, these are the people who demand independence, look how primitive they are." They are not going to lower the dignity of the African nation. We do not want our own African Government to continue this colonial policy of neglecting the Turkana area.

I must take this chance now to tell my Government that just recently, when the *Shilla* activities were very serious, the Government voted—I think over £6,000,000 for the *Shilla* area development, giving them water, health services, schools and other things. Now, I would ask the Government, even if the Government finds it difficult now to get money from some other source, there should be some money—most of the money which has been wasted in paying people for high salaries and importing some people for settlement schemes—some of this money should be saved and taken to Turkana for development such services and veterinary services, of course, to take care of their livestock, education and things like social services. At least if this Government was taking an interest in the Turkana people, then the Turkana people—in our Six-Year Development Plan, which was brought to this House some time back, the Turkana were omitted, but they, as a district, should have been included. However, when you read this book, you find that the Turkana District is definitely ignored and left out.

Now, what I want the Government to do now is to recognize the immediate need for water in Turkana, both for human consumption and for the cattle. As the hon. Mover has explained, it is very easy to make boreholes. Also, on the other side there is a lake; I do not know whether it is salty, but if it is not, then this water, of course, could be used for the purposes of irrigation in the nearby area to afford the Turkana an opportunity for getting water for their own use and that of their cattle.

The Minister for Agriculture has not taken any initiative to go to Turkana and find out, whether we sent this person to find out what is required of Turkana, what is required by Turkana people. The Minister is just around here and there, Rift Valley, what not, and interested in taking interest in these places and not taking into account the

problem of the Turkana people in agricultural development. No money has been voted for the Turkana District for agricultural development. What we want actually and we say (Inaudible) and must mean (Inaudible) in the true sense, otherwise what we are saying is not known to other people. We do not want the Turkana people in the future to be used as labourers to work for other people on their own farms, whilst the Turkana area is being neglected. When we took over, it is now two years, from the colonialists, formerly we used to say our people in Turkana are dying. Now, who are we going to tell that our people in Turkana are dying? The blame should lie within the Government, so I urge the Government now, to take immediate action to give the Turkana a secondary school which should start by 1966, next year. We have given schools to other areas so the Turkana District must be given a secondary school next year, more teachers to send to the Turkana Primary Schools, and more primary schools must be established so as to get the Turkana advance educationally and very soon some of them should be sent to the universities so that we will be able to get a future President from the Turkana area. We do not want the President of tomorrow, or many years to come, to come only from Kiambu, or from some other area around here or from Kisumu, we want a President from Turkana and this is why immediate action must be taken.

The Government, if it was kind enough would even send £10,000,000 to start Turkana development, this would be a just move of our Government, if they suggested a figure of £10,000,000 to give to the Turkana to meet all requirements needed in these services. There is no use talking of *Hararibee* and telling people to go back to their land, the Turkana are on their own land. Now why is the Turkana have not been considered for assistance, because they are on their own land. No, they want to wait until the last minute, when the Turkana will also want to come out and leave the land and say, "You have refused to assist us, so we also want jobs", then you will start arresting them and saying, "Go back to the land." Which land? Without people on the land—And what I want to see is that Turkana like any other people are properly assisted.

The Masai are just near here. Because the Masai have been bringing gifts to some of the leaders, they have been given some assistance. These are the facts, Mr. Speaker, and then the others who work so far away, over six hundred miles from here, who cannot afford to come here

[Mr. Kaggia] not think that this will solve our land problem which is so serious in the whole country.

Mr. Deputy Speaker, I think it is more important that, after passing this Motion, the Government should go straight away and pass a resolution or legislation which will protect our people. I do not agree with the Vice-President, when he tells us that we must be patient and wait. This is a very serious situation, and I would like the Government and all Government Ministers to accept it as such. It is not a question of getting protection from the so-called farmers who are evicting people. It is a question that the Government should take seriously, and do everything possible to check the situation before it is too late.

Mr. Deputy Speaker, the Vice-President has tried to tell us that there may be some justified evictions. In some cases, there might be, but in the majority of the cases, they are not. The majority of cases on European farms are not justified.

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

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

Mr. Speaker, I would like the Kenya Government to remove the situation as soon as possible, because this state of affairs is a great discredit to our country and gives it a bad name, because you hear Europeans saying that Kenya is one of the best countries to live in but ask an African and he will say it is one of the worst. I think the Government should take this seriously, and there should be legislation to try to protect our African people, then all of us will be able to say that Kenya is one of the best countries which is not possible today because our African people are roaming in the street just because a European settler did not like to see their faces.

Mr. Speaker, our Ministers have been telling us every now and then that the reasons for most of the difficulties that we are facing today were brought about by the colonialists; they are a legacy of the British Colonial Government. I agree, Mr. Speaker, but since independence what has this elected Government done to remove this legacy?

Mr. Speaker, as I said, this legislation, when passed, will be only an immediate measure to remove this serious situation which has been brought about by people like Blundell who were only interested in seeing that the Europeans got good prices for their land and had no interest in the African.

The Speaker (Mr. Slade): Order, order, Mr. Kaggia. I will not have hon. Members saying these things about individuals.

Mr. Kaggia: I am sorry, Mr. Speaker, I was using their names in general terms.

The Speaker (Mr. Slade): Well, you must not. It does not help anyway.

Mr. Kaggia: Mr. Speaker, this is the policy which was formally brought by the British colonialists who were only interested in the welfare of European farming. They were not interested in the African people. I think it is high time that the Government accepted that our policy should be a socialist one which places land in the hands of co-operatives and not individuals. Mr. Speaker, we are going to be faced with the difficulty of the few Africans replacing European farmers in the country.

Mr. Speaker, as I said, it has been thought by some people that this is Kaggia policy, but Mr. Speaker, I am so glad that nobody has said here that this is not Kanu or Government policy. I feel that this question is important and the Government must come clean and tell this country what its policy on land is.

Mr. Speaker, we want to know from the Government whether this policy has been changed by either Kanu or the Government that the land does not belong to us.

Mr. Speaker, we were told that, at the meeting which took place in Kisumu, the statements made at that meeting were aligned to communism.

I must make it clear that what I and other speakers said was on the lines of what we know as "African socialism." I would like those who objected to what was said to tell us what is their policy.

The Speaker (Mr. Slade): You have gone over your time, now, Mr. Kaggia.

[Question of the Motion as amended put and agreed to]

Resolved Accordingly:

THAT in view of the fact that settlers continue to evict from farms African agricultural workers and squatters, and in view of the fact that those evictions are adding to the already serious problem of unemployment in the country, this House urges the Government to initiate legislation to protect African agricultural workers and squatters from arbitrary evictions by biased farmers.

The Speaker (Mr. Slade): Before leaving this and moving on to the next order, I would

[The Speaker] observed that during that debate some hon. Members spoke in a very much louder voice than is usual, or is really necessary to be heard in this House. It is the first consideration is that hon. Members should be heard, but it is customary, and I think preferred by all hon. Members, to moderate the tone of voice used in this House, and not to adopt the tone of voice used on public platforms.

MOTIONS

BOUNDARY CHANGES: NORTH-EASTERN REGION

The Speaker (Mr. Slade): Mr. Khalif is not here to move his Motion, and I am sorry to say that I have heard that he has suddenly been taken sick, which is his reason for not being here. We will move on to the next order.

DEVELOPMENT MONEY FOR TURKANA DISTRICT

Mr. Aramun: Mr. Speaker, Sir, I beg to move—

THAT in view of the fact that the Turkana District was neglected by the Colonial Government in all spheres of development, this House urges the Government to consider setting aside a substantial sum of money for the provision of water for the people and livestock by the construction of dams and boreholes; and for general advancement in the field of Education and Social Services.

Now, Mr. Speaker, Sir, this is a Motion the Government knows very well. We know the difficulties that the people of that place have. I cannot tell them just now this and that. They are the ones who told me before I came here that this House would help. Mr. Kaggia was here. Mzee Kenyatta was there. Mr. Negi was there. They know all the difficulties of the Turkana. We see the manifesto of an earlier session, but we can help our people. There are three things—

QUORUM

The Assistant Minister for External Affairs (Mr. Malano): On a point of order, I wonder whether we have a quorum?

The Speaker (Mr. Slade): No, we do not. Ring the Division Bell.

[The Division Bell was rung.]

The Speaker (Mr. Slade): We have a quorum now. You may continue, Mr. Aramun.

Mr. Aramun: Mr. Speaker, every Member here knows the difficulties of the Turkana. Mzee Kenyatta was there, Jaramogi, the Vice-President

of Kenya, was there. They say that the Turkana should be given this or that.

Mr. Speaker, Sir, we cannot use all these words alone. It is now a question of who can help us. We have our schools in Turkana. Yesterday, the hon. Mr. Ekiella raised the question of improving some schools in Turkana.

One of the Ministers said that we have eight schools in Turkana, as a whole. We have only one school, that is a Government school, in Lodwar. Only one school in all the districts with two Members. Mr. Speaker, Sir, we are having some difficulties with water, that very essential thing. Leave alone education, without that we can live, but without water we cannot live. We cannot live without water. We do not have water. All the education went off because of water, because of grass. The trouble is that one can take it from here to Machakos which is about 30 miles away, taking cattle to get water taking cattle to grass is too far. If the Government can be sympathetic and give these people water, boreholes somewhere, and dams, I do not see whether the Turkana country is a semi-desert like Cairo or like Israel as I have seen. Those people in Cairo or Israel are very keen to do all things. They do not seek for the vote only. They ought to act as they have said. They have given boreholes, they have given dams for the animals of the people. Last time I was on the Committee of Famine Relief, all the Turkana were taken there because of all their cattle died. We did not have *shambar*, we do not know how to till the ground. They do not know. They only know how to look after the cattle that is their life, that is why they are living. If the cattle die how can a human being live without water, without food. Their food, their main food is blood, and also milk and meat.

Mr. Speaker, Sir, I think the Government can appreciate that we are remaining on this question, because this Motion is very, very demanding. All these Members they know this. We do not have roads. When the hon. Mzee Jomo Kenyatta was at Lodwar they wanted to come by road, when he saw the roads were rough he was brought by a plane to Maralal, which was in my constituency then. He knew that the roads were very rough. When the father knows that a chap is experiencing hunger somewhere he ought to give something to him. But he refused to come by road, he knew that the roads were very bad and rough, and so he came by plane. He has forgotten now. He has forgotten completely. He cannot remember those chaps up there, his own people.

Now, Mr. Speaker, Sir, I may mention that in Kenya here the honest people to the Government

[Mr. Anylen] is not only Europeans. There are also Africans and Asians who are trying to take over the positions of former European settlers and they are the future problem. The future problem is not the European, the future problem is the African who is trying to occupy exactly the place which the European occupied. So, when this Bill is corrected, we would like to cater for the Africans also who are trying to evict their fellow-Africans.

One hon. Member, I think without knowing, said there are no Africans who are evicting other Africans. I could give him ten examples, even twenty, of real Africans—I know an example, Mr. Deputy Speaker, of a Member of this House who told his people before the elections, "Oh! You stay on the land," then a few days later the police came to remove the squatters and the person who had bought the land was the Member who represented the people. So, we must be able to take care.

Mr. G. G. Karuki: Mr. Deputy Speaker, Sir, on a point of order, is it in order for the hon. Member to make an allegation like that?

The Deputy Speaker (Dr. De Souza): It is not in order and I would ask him to substantiate that. This must be done when an allegation is made against a Member of this House. If he does not want to do that, substantiate what he said, he can withdraw.

Mr. Anylen: Mr. Deputy Speaker, I did not imply anything against any particular Member, and if the Member in question asked me to substantiate that one, I would, but he may not want me to put him in that position.

The Deputy Speaker (Dr. De Souza): You did say—I realize you were speaking in the heat of the moment, but you did make an allegation; and if you make an allegation against any Member of the House, even if it is a generalized one, not a specific one, it must be substantiated.

Mr. Anylen: I will withdraw that. I do not want to embarrass the hon. Member, so I think I should withdraw it so as not to embarrass that particular person.

With that, Mr. Deputy Speaker, I would like to say that the Motion should read this way, that I would like the amendment to be amended so that we can remove the word "European" in the first line and the word "European" also in the second line, and the word "African" should be kept all the way through. Also I would like, for another reason, to remove the words "who are the real sons of the soil", and also agree with the last amendment proposed by the other Member.

Sir, the reason why I am interested in removing the phrase "who are the real sons of the soil" is that there are people today who want to buy 10,000 acres of land and then they say they are the sons of the soil. This land belongs to them and they use the position they have been given by their fellow-Africans to kick their fellow-Africans out of the land. They try to say that they are more the sons of the soil because they have got more money than the sons of the soil who have got no money. So, Sir, I would like this to be removed. Also we do not want tribalism to come into this. You will find that in the Rift Valley there are some Kikuyu squatters. We do not want someone to come and say, "Oh, it's my land, I am a son of the soil, because I am a Kisii this land belongs to me, the Kikuyu must move." If a man has been living there for forty years, he is in Rift Valley, he is in Western Region, that man should be given the first chance to live on that land.

What I would like to say, Sir, is this. Government must be able to know that the reason why people became members of *Mau Mau* was because they were told that if they became *Mau Mau* the people would take over the land. The reason why Mr. Kenyatta's name is very big among the people of Kenya is because he told the people of Kenya that if they followed him he would bring them *Uhuru* and land would no longer belong to just a few Europeans. We want to make it very clear, Sir, that the idea of us using the African people to join us with winning independence and then change after independence, and claim it just for ourselves, take my word for it; it is wrong. I would like to say, Mr. Deputy Speaker, that the Government today must come out; we do not want them to accept this Motion and then go to us to prevent these troubles happening.

Sir, before I sit down, I would like to say this, that there was a meeting at Kisumu where the Member who has brought this Motion made it very clear that it was wrong for the Africans to occupy the former positions of the Europeans and to evict their friends from the land, and we hear that this meeting is being taken to be a very dangerous meeting. We would like to know from the Government Ministers, we would like to have a Minister stand up and tell us that it is the policy of the Kenya Government to allow a few Africans, who will probably become Prime Ministers or Members of Parliament, to take over the positions which the Europeans held; and then we will know.

Mr. Deputy Speaker, I have removed all the racial element in the Motion. The reason why I have done this is because when the Africans were

[Mr. Anylen] fighting the Europeans they were not fighting them because of their colour; this must be understood. They were fighting them because there was an element of exploitation. And if that element existed in the African people in this country, the people will continue to fight those who take the place of the Europeans. When people say that Kenya is independent, people must know that the Kenya people did not fight for independence because of the flag only. What did our people get out of the flag?

Mr. Deputy Speaker, I support fully the call by our President that people should go to the land, but how is it, Mr. Deputy Speaker, that a person is kicked off the land and then he is told to go back to the land? Which land? When he has been kicked off his land, we would like Government to be honest with the masses, not fool anybody, and be able to say, "The policy of our Government from now onwards will be that we will work according to the wishes of the masses." We, as Members of this House, must know that even if they are Ministers today it is not guaranteed that they will be Ministers forever; tomorrow they may be nobodies.

Mr. Deputy Speaker, I do not want to say too much because maybe I will be a Minister tomorrow, and my friends will be Ministers tomorrow. I would like to appeal to everybody to be human. These are our brothers who are suffering. If this is an elected Government, it must be able to look up at those people who are suffering and try to help them.

With those few remarks, I wish to move the amendment to the amendment.

The Vice-President (Mr. Odiga): Mr. Deputy Speaker, Sir, I stand on behalf of the Government to accept the amendment to the amendment to this Motion which is moved by the hon. Member for Majoje-Bassi. I think at this time I should only say, Mr. Deputy Speaker, that although we may talk with a lot of emotion we must understand that we inherited something which was not of our creation. And when we inherited it we must cope with that as one of the many problems that we must be patient about and try to overcome. There is all talk of actually changing it overnight but the hon. Members must know that this question of eviction involves certain kinds of genuine action; certain kinds of action which take place even in our own African areas, where some people have also been brought to court and then evicted from our land. It is not right to talk about these things without giving them serious thought first. Actually, we

will have to carry on some form of eviction when it is really necessary.

Now let me say, on the other hand, that the way the colonial régime treated our people on the farms has not enabled them to develop sufficiently in the way of money-making, and it will take us some time also to develop that, and also to become more efficient. We must also face the facts, that if here in this House we give someone some money to develop some land which we have also given him we will probably find that in a hundred chances you find ten only who succeed and the other chances do not come off. This thing will take time. You must be patient. We cannot say we are going to change things overnight; and it is my opinion that most people who are thinking that way are wrong. We must know that we will develop over a period of time and that is the policy the Government are pursuing.

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

(Question of the amendment to the amendment proposed)

The Deputy Speaker (Dr. De Souza): In view of the fact that we have now come to the time that the Mover should be called upon to reply, I will put the question of the amendment to the amendment in the terms I have just proposed. (Question of the amendment to the amendment that the words to be left out be left out but and agreed to)

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. De Souza): I will now call upon the Mover to reply.

Mr. Kaggia: Mr. Deputy Speaker, Sir, I am very grateful to the speaker of this Motion who has contributed tremendously to the Motion. I am also thankful to other speakers who have also contributed to it. I am very pleased by the attitude of the Government in accepting this Motion, but there are a few observations I would like to make on what has been said by some Ministers.

Mr. Deputy Speaker, I accept the amendment, because I think that it does not remove any substance from the Motion, and I also agree that as the land is changing hands in a few years' time, those farms which we now call European farms will be African farms. So, I have no quarrel with the amendment.

Mr. Deputy Speaker, one thing I would like to make very clear is that the legislation which we are asking for in this Motion should only be an immediate measure of arresting the very dangerous situation, but the Government should

[Mr. Makoha]

Mr. Speaker, Sir, with these few words I sit down and suggest that my amendment be accepted.

The Speaker (Mr. Slade): Mr. Mwendwa would you like to second the amendment? Mr. Kamau will second the amendment.

Mr. Kamau: Mr. Speaker, Sir, I am seconding the amendment and I will say this, Mr. Speaker, Sir, that the Government of Kenya should alter all the laws of Kenya which were made previous to Kenya's independence so as to conform with the republic of Kenya. At the moment, Mr. Speaker, Sir, it is very interesting that you find wherever you go, and any case of eviction comes and you try to argue the case you are being told well, it is in the law and you have read it in the House of Representatives. When I go back to these laws I find that most of them were made when I was in detention myself, I was not in the House and as I represent people at the moment I always feel it insulting to say that I made the law which is punishing a citizen of this country while we are free. Mr. Speaker, Sir, I think I should be right to call an Act and not otherwise. At the moment you find that people who are being evicted from these farms are people of whom in our political battle we taught them that we are fighting for freedom, firstly, to get back our land, and secondly, to get our independence. At the moment Mr. Speaker, Sir, I must reveal in this House what is now going on outside. At present our new settlers who are buying these big farms are also abusing the ordinary men on the street, telling them, this must be known in this House, well you say that you fought for freedom, now you are becoming our labourers in our new farms.

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

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

This, Mr. Deputy Speaker, Sir, must be known in this House that the land in Kenya belongs to the Africans and they fought for it to get it back. It is their motherland and nobody can argue here, the other way round, Mr. Speaker, in order to soothe us, that any good will come by inducing the poorest African to buy his mother's land from a foreigner who, and I must say this, will charge him good money, just export money to foreign countries. I would, Mr. Speaker, Sir, say that if we want the smooth running of the Government first of all the land question must be reconsidered by the Government and the land policy must be put right so as to convince

the ordinary man who had been living in the farms that he has his freedom and that freedom can only come if this ordinary labourer is sharing the profits of this land. But not to introduce another new system on the old settlers who are going to use those people who fought for independence as former labourers of the colonialists. It is a high time, Mr. Deputy Speaker, Sir, that this land policy should be completely revised and give the sons of the soil the best chance to acquire the land in the area where they are living.

Furthermore, Mr. Deputy Speaker, Sir, I shall refer to the case of the Rift Valley where I know the whole trouble rises and unless the Government is very careful about this, well I have no doubt that the consequence of these squatter problems will be very serious. Mr. Deputy Speaker, Sir, it is very surprising to find that at the moment no farm in Kenya, and I would like anyone to stand up and shout it, no farming community have ever introduced a secondary school in those farms, so as to educate the children of those parents whose blood has been sucked by the old settlers and they have not given their gratitude of educating those children. The reward they have given them is to evict them away without saying where they are being sent to, and so that is why you find today in the streets of Nairobi or elsewhere that our countrymen and women have adopted an attitude that even you do not know whether they are not Africans, they are now anyone, thrown about and this has come about because the situation has been created very difficult for them by the farming community.

Therefore, Mr. Deputy Speaker, Sir, I completely deplore any law which could now, when we are free in this country, evict an African from the former farm on which he has been living since he was a child. Unless the Government is prepared to face this issue carefully, the consequences will be very critical. Again, Sir, people may think that the Members of this House are speaking from the emotional point of view, which I refute completely. It is a shame, when we are an African Government here, to see that if we want anything to be done we have to kneel down to such-and-such so as to please somebody in order to have our right done. I would say that this House is the supreme body to pass any legislation and I would say that with effect from today, when this Motion came to this House, Kenya should no longer have eviction orders from any farm and this legislation should be brought forward forthwith.

Mr. Deputy Speaker, Sir, I would extend my argument further by saying that when a country

[Mr. Kamau]

is free the Parliament is the place to pass any legislation which would conform with the independence of that country. I do not see why, if I reside here today that tomorrow will have this and that, I do not see who could stop it because anything passed here is a law and I appeal to my own Government to repeal all the laws which victimize the sons of this country.

With these few remarks, Mr. Deputy Speaker, I support the Motion with amendment.

Question of the first part of the amendment that the word to be left out be left out proposed)

The Deputy Speaker (Dr. De Souza): Debate of the Amendment cannot be separated from that on the original Motion and Members who speak on the Amendment will not be allowed to speak again to the Motion. In other words, the Motion is inseparable.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I have a few words to say, especially I want to answer the Member who touched a little on the Tripartite Agreement. The Minister concerned in this Motion will be able to give the House a proper answer because the Motion does not entirely come under my portfolio.

A few years ago, Mr. Deputy Speaker, eviction was under my portfolio, under the powers in the Resident Labourers Ordinance, but, Sir, this has been repealed and the question of the eviction of labourers on farms is now dealt with by the rules under the Trespass Ordinance. Therefore, Sir, I will not speak very much about the evictions.

I do not think, Sir, that anybody in this country would say that he is not sympathetic, would say that he does not share the feelings of seeing people being removed from the farms. In fact, Sir, I think it is good that this Motion came to the House so that the Government could see the feelings of the Members, could listen to the feelings of the Members of this House, but there is one thing I want to tell the Members of this House—

An hon. Member: Hon. Members.

The Minister for Labour and Social Services (Mr. Mwendwa): Hon. Members, yes, thank you very much.

It is easy to blame and always hard to give the credit where it is due. If hon. Members would just think for a moment, perhaps a few of them have gone to a place called Nyandarua, where many of the landless people have been

taken by the Government and have been given land, they would see, Sir, the amount of work which this Government has done since it was formed.

Mr. Deputy Speaker, the other day we were at a place called Mwea Tebere, we saw the land which five years ago was useless. Now the land is employing more than 10,000 people and the land is bringing money to Kenya. This is a fact.

The Deputy Speaker (Dr. De Souza): Order, order. I just want to draw the Government's attention to the fact that, according to Standing Orders, we now have, at 10.55 I have to call upon the Mover to reply and when I called upon Mr. Mwendwa I thought that he was, in fact, the Government spokesman for this Motion. As you are not, I would advise you to withdraw so that the Government can, in fact, reply.

The Minister for Labour and Social Services (Mr. Mwendwa): Even if I resign, I will go home and fight another election. I challenge any other hon. Members here.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Minister, whether annoyed or not, to address the Members instead of the Chair?

The Deputy Speaker (Dr. De Souza): It is not in order. I do not know that he did address hon. Members direct, but I hope that the hon. Members will not interrupt any more. I think that one or two hon. Members were a bit rude in their interjections.

The Minister for Labour and Social Services (Mr. Mwendwa): Thank you, Mr. Deputy Speaker.

The only thing I want to draw Members' attention to is that I am not ashamed of signing a document which they call the Tripartite Agreement. In fact, I am very proud of it because, Sir, within this period we have seen people who were jobless, we have seen 42,000 people now enjoying working in different places and this is a fact, Sir. I do not want the Members here to claim only one side. During this time, Mr. Deputy Speaker, the workers, who are not expected to go on strike—

The Deputy Speaker (Dr. De Souza): If you keep quiet, maybe Mr. Mwendwa will sit down.

Mr. Anyamba: Mr. Deputy Speaker, I must first of all thank the hon. Member for Kandara for introducing this Motion to our House. I must also thank the hon. Mr. Makoha, who also introduced the last amendment, because today, Sir, the

The Minister for Internal Security and Defence (Dr. Munga): Mr. Speaker, Sir, I was just looking up something that I am going to bring up in the Motion.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): Mr. Speaker, Sir, I was just about to come to the end of my speech to the House.

I would like to say that the question of land has been the bone of contention in Kenya, and in fact, it does mean that some of the Ministers will have thoughts on this burning issue. Mr. Speaker, we are equally concerned with the protection of our people who have brought us to this House. Therefore, Mr. Speaker, there is no question of resigning. What we are trying to do in this House is to promote the spirit of *Harumbe*.

Mr. Speaker, if there is any legislation at all, that legislation will be to the benefit of our people and in the interests of the people.

Thank you, Mr. Speaker.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I would like to say that we all know very well that the question of land is a very burning issue, and we know what has been explained by the Member for Kandara.

Mr. Speaker, Sir, I would like to say a few words about this. It is true that we have some hot-head settlers. I am not going to distinguish whether they are African or Europeans, but I would like to say that we have some hot-head settlers in Kenya, and this is very natural, that some people do stick to what they feel, and believe it so strongly that they create a kingdom of their own and within their own individuals. It is true that many settlers, after seeing the changes which have taken place do still feel that the colonial days which existed back during the colonial days cannot be so easily departed. This is the art of conservatism, and that is why we have always thought that conservatism becomes a dangerous ideology. It is true that it is the work of the Government to change this conservatism of these settlers, so that they can see the light which is settling in the minds of many people in Kenya.

Atu hon. Member: Have you done that?

The Minister for Co-operatives and Marketing (Mr. Ngei): I would like to say, if the hon. Member for Butere would be so kind to listen to what I am trying to say, which I think would be more sensible than shouting at the top of his voice and without even coming to a conclusion on anything when the time is over.

I would like to inform the House, before I become a Minister—and I think Mr. Speaker, I am allowed to take evidence from the past—that a settler around Donyo Sabuk made it publicly clear that even if I am a Minister, and if I go to his farm, I will be arrested because there is a law of trespass in the law books. It is true that law has no exception at all, except where it specifically says so in the books of the law. If there is a law of trespass, whether a Government Minister, Government officer, goes to the farm, the farm has the right to take up proceedings against that trespasser. Therefore, these are some of the things that are today existing in some of the books, and these are some of the things that the Government is aware of and prepared to look into.

Hon. Members: When?

The Minister for Co-operatives and Marketing (Mr. Ngei): What I am trying to say, if the hon. Members care, is that I personally do not see what has been said in the Motion, and I think the Government is also seeing this state of affairs and the Government is prepared to see about it.

Now, I want to ask the hon. Members one thing. We want the agricultural workers to cooperate with the Government, and I believe by doing so then the Back-benchers will see what the Government can do to help these workers.

We have seen today a statement which has been issued by the Minister for Agriculture after a politician by a mission had committed himself as a politician by saying that the settlers are indispensable. Now, this is one of the things that I myself cannot agree to. We have able African settlers. If we could get rid of the indispensable, the feeling that I am the only one and no other doctor can come and cure the people, then we shall be able to move forward well. I believe that there are some capable Africans who, today, are growing maize, and getting thirty bags per acre, while some of the Europeans are not getting that much. This is the point which I want to make. The indispensability of European farmers must not continue. We must encourage the African farmers to farm as well as any other good farmer, and I would like, if I do not have unnecessary interruptions by some of my friends who are sitting on the other side, to say this. The Chairman of the Cotton Lint and Seed Marketing Board, the hon. Member for Uasin Gishu the hon. Masinde Muliro, is a progressive farmer. There are some settlers in Trans Nzoia who sit on their farms and do not grow maize, perhaps to victimise the Government, so that there will be a maize shortage. Well, the Government is going to take

[The Minister for Co-operatives and Marketing] the necessary steps to rectify this. The hon. Member should try and help us by asking the Africans in European places to be co-operative, and try to do the work properly.

Mr. Speaker, Sir, before I sit, I am in full sympathy with the situation which is prevalent, and which is known by everyone here, that some of the hot-head settlers are evicting the Africans and throwing them out. People were being evicted from Donyo Sabuk. This is one of the examples that made me believe that something must be done through legislation to stop these unnecessary evictions.

Therefore, Mr. Speaker, I am not speaking on behalf of the Government, because we have somebody speaking, or the Ministers speaking or endorsing, but I am saying that I am in sympathy with what has been said in the House about evictions, and if the hon. Members could agree, without emotion, then the Government will do something.

Mr. Makolaha: Mr. Speaker, Sir, it is a well-known fact that Kenya politics have been revolving around the land, and will continue to do so in the future.

Mr. Speaker, Sir, we remember the other day in this House, in the gallery, somebody asking in the gallery, "Where is Uhuru?" Mr. Speaker, this very man specifically pointed at the hon. Mr. Odaga and the hon. Mr. Koinange. I believe he did so because of the past utterances of these two gentlemen. They used to say that land in Kenya belonged to the black African.

Mr. Speaker, Sir, this man must have wondered that Uhuru or freedom was when the Africans were still being evicted from their own land. The Africans were still squatters on their own land. Mr. Speaker, Sir, I refuse to believe that a European would be 100 per cent interested in this country, because any European in this country could always find another home if there was any trouble. What about the black African in this country? Where will he go?

The Speaker (Mr. Slade): Much has been said in this debate on a racial basis, but when hon. Members go so far as to say that no European is 100 per cent interested in this country, they are going too far beyond the bounds of their privilege.

Mr. Makolaha: Thank you, Mr. Speaker.

Now, to come to the hon. Member's reference to the Motion as being racial, I would like to amend the Motion to save the hon. Mr. Onoko

the trouble, but I would like the first word, that is "European" in the first line, to remain, so that we know at the moment it is only the European settlers evicting the squatters. We must draw the attention of the European settlers now. Now, so far no African settler has evicted any labourer, but we must, at the same time, guard against evictions by any farmer.

Therefore, Mr. Speaker, Sir, I would amend the Motion by leaving out the last word "European", that is "European" in the last line, so that the Motion remains as it is except for the word "European" in the last line, so that now that line reads: "Evictions by biased farmers." That is for the future only. Mr. Speaker, Sir, I say so because at the moment there is a sort of race in this country, a lot of Asians and Africans, the rich Africans, are buying land, and I know that in future they are going to have the same trouble. After all Mr. Speaker, Sir, we have been told that African socialism means that those who have must continue to have and those who do not have must continue not to have. Therefore, Mr. Speaker, Sir, this legislation referred to by the hon. Member for Kandara should guard against evictions of African squatters or labourers by any settlers or whatever race.

Mr. Speaker, Sir, before I sit down I would like again to refer to the President's call, asking us to go back to the land. Mr. Speaker, how can we go back to the land if the conditions are made so unpleasant? Most of the people walking in the streets of Nairobi now are most of them I dare say are either children or people who have been evicted from the farms. So, Mr. Speaker, when the President says, go back to the land, sometimes it sounds as though it is just crocodile tears. Mr. Speaker, Sir, another call by the President, which is very good and I always use it at my political meetings at home is the call to our people to stop theft. Mr. Speaker, how will our people stop thieving and stealing when they have no food. How will they stop thieving when they are evicted from the farms and therefore robbed of the only means whereby they could get something to eat. Mr. Speaker, Sir, before our leaders utter such statements they should first of all correct and make conditions pleasant on the land, get rid of conditions that will encourage our people to go and steal. Mr. Speaker, Sir, to repeat what the hon. Member has already said we need this legislation now immediately. Mr. Speaker, Sir, if we do not do something now, we will be encouraging, watering, manuring conditions for revolution in this country, and when such a revolution comes Mr. Speaker, Sir, I dare say it will be the President's Cabinet to blame 100 per cent.

327 Motion—

[Mr. Kagga]

Therefore, Mr. Speaker, I think it is high time that the Government formulated a bold socialistic policy to make land available for the Africans, instead of waiting to borrow money for its purchase.

Mr. Muliro: Mr. Speaker, Sir, I am only too happy to second this Motion as a Member representing one of the settled areas.

Sir, when one looks at the facts as they are today the only conclusion one comes to is that the African has no importance today, the African in the settled areas has not a Government at all to look after his welfare, because, in these settled areas it is the only place where you find Africans more backward than they were in the former African land units. Sir, the Africans in the former African land units are today the ones who are running the Government of Kenya. There is hardly any Member in this House today, Sir, who is a child born and bred on a European farm. I myself was born on a European farm. I had to leave there to get an education and then go back and represent these areas. I was born there. My father was evicted and went back to the reserves, then I had to complete my education and go back there to represent the area.

Sir, it is alleged that the Europeans' capital developed Kenya, but the facts are, Europeans spent little money and had cheap labour from the Africans and those Africans created the wealth of the country today, through their sweat, but you find that hundreds and thousands are evicted everyday. They come to me as their representative and I have told them I am only the representative, I am not the Government of Kenya today. The Government has to amend the laws to insure your perpetual stay on the farms upon which you are now staying. This, Sir, is serious.

A good Government is measured by the contentment of its citizens and the residents of Kenya today in these settled areas are not content at all and the Ministers which sit in the Cabinet know that these people are not happy and that we have a revolution on our hands.

Mr. Speaker, Sir, the so-called Tripartite Agreement which was signed by the Minister for Labour and the Farmers' Union is a dead letter. More people have been sacked and evicted as a result of that damn Tripartite Agreement than before and the Minister and the Government have not taken any steps to see that the Tripartite Agreement is being effected.

Sir, the social insecurity in our country today, which has been brought about, particularly in the settled areas, such as Narvasha, Nakuru, Eldoret,

Laikipia, and Trans Nzoi, is definitely high. Farmers are disrupted. Why? Because everybody has to be a farm owner now.

When I bought a farm, I had ten people on my farm who were legitimate, or illegal squatters. As their representative I told them "you are now legitimate workers on this farm, do not go away".

Mr. Speaker, many of the European farmers say that "we cannot produce any maize, because the African steal maize". But why is it that these Africans who were working on this land were not stealing the maize before? If they steal, it means they are under-fed. If they steal it means that they are not given even an acre of land to till. If workers are given their normal acreage on some of the fallow farms, and there are plenty of them, these are the farms which are taken by the Ministry of Agriculture, which are the mismanaged farms that are lying about, with no production on them, not creating money while these people are being evicted, there would not be any stealing. This, Sir, is a very serious issue and this House has to thank the hon. Member for Kandara Mr. Kagga who brought this Motion in this House. We want a positive direction by the Government in most certain terms, that there will be no further evictions on farms by anybody, be he black, white, yellow or pink. If someone does not want to continue employing these African farmers, then let that farm be taken over and leave those people working.

If land in Kenya was bought at three cents an acre, and today Sir, many farms still unbroken are fetching Sh. 400, Sh. 600 and Sh. 700 per acre. I have been a victim myself of these mismanaged farms. I organized a group of Africans to buy a mismanaged farm and I lost fifty cows because this man was not carefully looking after that farm, it was infected with East Coast Fever. It was clear that before I would never have lost fifty milk cows. Now, you tell me that this is fit, that Africans are incapable of doing their work? Unless following an incident farm labourers are usually content.

The economy must be based on the majority of the people, people who were born here. The economy of our country cannot be based on Asians or Europeans because when there is a bit of friction in the country, they run away, but the African has nowhere to run because it is his country and he must try to make the best of it.

With these few remarks, Sir, I beg to second the Motion.

(Question proposed)

328 Motion—

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I shall try to be very, very brief indeed and will make an effort to improve the Motion.

Mr. Speaker, Sir, it is common knowledge that I do come from the so-called farming area and I have experience with this problem of evicted agricultural workers in Rift Valley. Mr. Speaker, I am equally concerned about—

Mr. Kamau: On a point of order, Sir, I would seek your guidance to know when we have a Motion of this nature, when the Minister starts to speak before all the hon. Members speak, whether he is speaking as a constituency Member or whether he is speaking on behalf of the Government, because, Mr. Speaker, Sir, we feel that on a Motion of this nature, the Government should be the last to speak after the hon. Members of the constituency have spoken. I therefore seek to have justice as to whether the hon. Member is now speaking as a Member of Nakuru, or if he is speaking as a Minister for Information and Broadcasting.

The Speaker (Mr. Slade): When a Minister speaks in this House, it is always assumed that he is speaking as a Minister. He may also speak as a constituency Member, but he is a Minister, and he is speaking as such, and I do take it that on this occasion Mr. Oneko is making the official speech of the Government.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir,

The Speaker (Mr. Slade): All right, but you will still speak for Government. As regards the timing of Government speeches, whether they are political speeches or otherwise, that is entirely Government's affairs, and there is no rule of debate on a Private Member's Motion that Government should and speak at any particular time, though, usually, the House wants to hear the views of Government at a fairly early stage.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, as I mentioned before, I was going to be very brief, and say that I am very much concerned, personally, about the evictions in my constituency, and also in Kenya as a whole. I also mentioned before that I was going to try and improve on the Motion depending on what the Members had about this, and also what the Government feels about it. I know there are a few Government speakers who are going to speak on this, Mr. Speaker, but what I wanted to say was this. We have been very concerned in Nakuru District, and

as a result, we had to start a committee which is dealing with the unemployment, which I think is known as Unemployment Co-ordinating Committee, and which, of course, invited various people, the farmers, the administration, the Minister for Security and Defence, two junior leaders, and political leaders in the area, so that the matter could be faced by us altogether working to see that the problem can be solved, because this is a national issue.

Mr. Speaker, I feel, at the same time, that this problem, before the elections was used as a political issue, because there was a time when the farmers were evicting their labourers because they had increased the number of the party that they belonged to. I feel that we have reached a stage now, Mr. Speaker, that the Government somehow, Members of Parliament, and the administration looked into the whole thing, and before any evictions are conducted, consultations with various Ministers, such as the Ministry of Labour and Social Services, the Ministry of Internal Security and Defence, could be consulted, and alternative settlement are found for the workers. What I wanted to improve on the Motion, was that the Motion seems to be very racial because I understand that many Africans have now started buying farms, and this is going to the view of the European settlers. What about the African settlers who have farms in the areas?

I feel very strongly, Mr. Speaker, that the Motion should not be—I am not amending the Motion, but I am trying to draw the attention of the Mover and the House to this—too racial, because it should cover every body, whether they are interested in other people or not, because if we say only Europeans, then it means that if an Asian owns land in Kenya, he will not be able to be affected by any law safeguarding or protecting the workers. The same thing would apply to an Arab who owns land in Kenya. So, Mr. Speaker, Sir, I would like this point to be considered by the Mover, and we must realize Mr. Speaker, that this is a very difficult problem, and we would like the hon. Members to share and work with the Government in a very smooth way—

Mr. Anylen: On a point of order, Mr. Speaker, is it in order for the Minister for Defence, when we are all trying to listen, to be reading his *East African Standard* when the Minister is speaking to him?

The Speaker (Mr. Slade): It is entirely out of order, Dr. Mungai, to bring a newspaper into the House, unless you require it for the purpose of the proceedings of the day.

[Mr. Kagulu]

have been trying to ask the Government to look into, so that these evils can be stopped. Evictions sometimes take place when land is sold to another farmer, as we know that the Government agrees to this so-called willing seller, willing buyer. If someone wants to make more money on a farm and has been collecting money for many years, he goes and buys a farm but he has no interest in the farm and the new farmer says, "I do not want any of the employees who are here, I want to bring my own, or I want only a one-third of the employees and all the rest are discharged." As soon as they are discharged, then tomorrow they can be picked up by the police as illegal squatters and evicted.

Another factor comes in. We have seen especially when we had Kadu and Kamu in this country and you found some settlers who did not want employees in their control who were politically conscious or who supported Kamu and they tended to give various other reasons for discharging them. They might say, "I am reducing my staff, I am not going to continue farming," and things like that and they discharged these people. As soon as they are discharged they can be arrested tomorrow as illegal squatters. Since independence, many settlers in this country have no confidence in this country, but they do not want to say so because they are told that they can get the best price in the world for their land, so we find many settlers who are not developing their land. They are not interested in the agricultural welfare of this country. But just because they are waiting for a big lump sum of money, they sit on the land without doing anything. They say now, "I do not know what will happen tomorrow, I am not secure, my family is not secure, there is no education for my children so I will just sit and wait and not farm. So I do not require any employees." All the employees are discharged and a few days after that, Mr. Speaker, Sir, those Africans can be removed by force by the police as illegal squatters.

Now, Mr. Speaker, Sir, I would like to discuss this term of illegal squatter, which I am afraid to say appears in many of our legal notices, legislation and speeches of our Ministers. It is a great shame, Mr. Speaker, to realize who are these illegal squatters. In the first place, you will find that some of these, are people who were born on the farms. The people who have lived there for many, many years and just because the settlers go, and they do not need them, they are declared illegal squatters, liable to eviction.

You will find, Mr. Speaker, that many of these are people who have been working for many years on those farms. They have done good service, and only for some reasons which are not their own; just because the settler is cutting down his staff, then, overnight, the African in his own country is made homeless and a beggar. You will find, as I have said, some people have lived on the farm for many years and, just because the farm has changed hands, tomorrow he is a beggar, he is nowhere. Therefore, Mr. Speaker, I think that this is a term which should be removed from our legislation. These are the sons of the soil, they are the owners of this land, if I may quote the words of the Minister for External Affairs; they are the owners of this land, so how can they be evicted, how can they be turned on the road with their belongings, their children, their cattle, their goods and everything? It is impossible to believe this.

Mr. Speaker, Sir, since this question of buying land started to operate in full swing, and when it became known to our people that as soon as the farm had changed hands they would be liable for eviction any day, many people, who had no alternative, thought that they should do all they could to buy the land on which they had been living so that they need not be evicted. Because there were only two things open to them; either to be evicted on the following day, or buy the land and remain there on their own land. Now, you find in many cases that the price of the land is so high that even if the squatters on the farms are more than a thousand they cannot raise the required amount to buy the land. So these people to protect themselves from eviction, do everything they can, they sell everything they can including their bedding and utensils, to raise the required amount to buy the land. After selling everything they have, Mr. Speaker, they go to the Minister for Agriculture or to the Land Bank, telling them: "We have sold all we have, we have this amount and we want a loan." Sometimes they are told: "You cannot get this loan because you have not raised 50 per cent or the given percentage," or they are told that they cannot get a loan because their co-operative has so many members, more than forty-one.

Now, Mr. Speaker, this kind of thing puts our people in the most difficult position. They have sold everything they held sacred for all these years they have been negotiating for loans with the Minister for Agriculture, seeing the Land Bank, they have spent almost a quarter of what has been collected. So, in the end they are unable to get the land, they are not even able to return the collections to the people who contributed

[Mr. Kizito]

because half of it has been spent on these unfruitful negotiations.

Mr. Speaker, as I said, these evictions have brought many evils to our country. They have increased unemployment. We find in our own reserves at Fort Hall and many other districts, thousands of people who have been evicted from the European farms. You will find thousands of them in the town here who have been evicted. This has increased homelessness in the country. These people go round without food and without work and, more than this, Mr. Speaker, these evictions have ruined the lives of many of our young people, as well as the lives of many old women and men. You will find, Mr. Speaker, if I may give an example, in June last year, about 600 families were evicted in Naivasha District within one month and these 600 families had over two hundred schoolchildren who were schooling on these farms. These people were evicted and, for the information of this House, Sir, as I was with the Ministry of Education then, these people were so worried about the education of their children that they did not know what to do so, they collected money quickly to buy this land so that their children need not be removed from the schools which they were attending. While they were doing this—they thought there was a very, very short time, they engaged a lawyer to do it for them—but in spite of all this, when the Eviction Order came, no consideration was given to the fact that these people were preparing to buy this land, and no consideration was given to the future of these children. These people were evicted with their collections, with their children and these children were left on the road rotting and dying. So, Mr. Speaker, this kind of thing also encourages crime in this country because, when people are removed from their homes, they have no means of income, nowhere to go, then, Mr. Speaker, no other way except to turn to crime.

Now, Mr. Speaker, it is surprising that every now and then, since we became independent, we have been hearing so many assurances in the form of speeches by our Ministers wherever they have gone, assurances in the form of legislations, so many assurances in the form of guarantees of big prices for land which they never bought.

Now, Mr. Speaker, it is surprising that not on a single day, either in this House or outside the House, has the Government given any kind of assurance to the sons of the soil who are living in this way. We have been surprised to see that whenever a Minister goes on a farm he says, "We assure you, settler, you have nothing to

fear, you are here for ever, we depend on you, without you we cannot live", and not a single Minister, Mr. Speaker, has said that without the labour on these farms we could not live. We have only a few hundred settlers in this country, they could not farm if they could not get these labourers—not a single Minister or Government representative has said this, Mr. Speaker.

Therefore, to finish, Mr. Speaker, it is important that the legislation to correct this state of affairs must be brought. Legislation to protect the workers, the agricultural workers, if we are to avoid a continuation of this evil in this country in the shortest time. This new legislation, Mr. Speaker, must erase the words "illegal squatter". It must make it positively the right of the people to live on the land until another alternative has been found by the Government, and if there is no alternative, Government must make it a right of the squatter to remain on that land, which is his only home, until another place has been found. This legislation must also make it unlawful for any settler, whether European or African, to evict any person from his home until Government has found him something else. Again, Mr. Speaker, this legislation must make it impossible for the settler to evict an African without consulting the authorities concerned, because the practice has been that the Government has left the settler to decide what is legal and what is illegal. If our Government just relies on the decision of settlers who were enemies of this country, who have been fighting our people for centuries, it will be a great shame. Therefore, before a settler can decide to evict anyone he must consult the authorities of the Government; and they must be satisfied that this is a genuine case, that this is really the case. But until that time no settler should be allowed to do this.

Mr. Speaker, the other day the Minister for Internal Security and Defence was asking this House whether this was a Legal Notice or not. This is no argument. A settler is a king on his farm.

After issuing such a notice, tomorrow, if he decides that the employee can go to the police and say that this man is an illegal squatter on his farm, he is then evicted. The police will do it. There is no question of whether this was a Government eviction order or legal notice or whether it was a settler, the settlers are kings on their own farms and we know that it is high time that the Government had a new land policy. It is a shame to say this, but the Government has been most reluctant to change the land policy; the land policy we are following today turning the land to land settlement came from the colonialist themselves. It must be changed.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. There are no areas within the settlement schemes in the Western Province which are earmarked for settlers from any special locations. There is no truth therefore, and I can find no trace whatsoever that it was the original intention that the Lugari Settlement Scheme should be devoted to settlers from the Maragoli, Tiriki, and Bunyore Locations. Right from the beginning of settlement, this scheme has attracted settlers from all over the Western Province and not these particular Locations alone. If the hon. Member for Hamisi feels there is justification in giving priority to applicants for plots from Maragoli, Tiriki, and Bunyore Locations, he should present his case before the Chairman of the Western Provincial Advisory Council, who, under the terms of the Constitution, is responsible for the selection of settlers to settlement schemes in his province.

Mr. Godla: Mr. Speaker, Sir, would the Assistant Minister tell the House on what information he bases his reply?

Mr. Gachago: Mr. Speaker, Sir, before we answer questions in this House, investigations are carried out. We then like to inform the House what we have discovered, what information we have available as a result of what are sometimes exhaustive investigations.

Question No. 856

DISTRICT ASSISTANTS FROM HAMISI

Mr. Godla asked the President if he would tell the House why officers from Hamisi who applied for posts of District Assistants in the field did not succeed in getting appointed.

The Assistant Minister to the President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. When vacancies in the District Assistant or any other cadre occur, the Public Service Commission is so informed and requested to fill these vacancies. The Public Service Commission advertises the vacancies in the *Kenya Gazette*, as well as in the leading daily National Newspapers and it is its exclusive responsibility to select suitable candidates. Being completely impartial and independent, the Public Service Commission selects suitable candidates purely on the basis of qualification and ability and in no way exercises any discrimination against any candidates because of their area of origin.

Mr. Godla: Mr. Speaker, Sir, would the Assistant Minister tell the House the number of

applicants from Tiriki who were not successful in applying for these posts?

Mr. Nyamweya: Mr. Speaker, Sir, the vacancies for the post of District Assistants were recently advertised and the Public Service Commission has been processing and considering the applications. For the time being, the details of the applications received by the Public Service Commission have not reached our office.

Mr. Tanaui: Mr. Speaker, Sir, will the Assistant Minister assure this House that this question is not going to be different from the conditions so that they are only going to select candidates from the Hamisi constituency?

Mr. Nyamweya: That is the reason why I said that we should leave the selection to the Public Service Commission.

Question No. 857

RAILWAY FROM KISUMU TO BUNGOMA

Mr. Godla asked the Minister for Works, Communications and Power what plans the East African Common Services Organization had for constructing a railway from Kisumu to Bungoma via Kakamega.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The East African Common Services Organization has no plans at present for new railway construction and, therefore, the building of a railway from Kisumu to Bungoma via Kakamega is not contemplated.

Mr. Godla: Mr. Speaker, Sir, is the Minister not aware that the Western Province lags behind in progress due to the lack of a railway line between Kisumu and Bungoma?

Mr. Mwanjumba: Mr. Speaker, Sir, the rate of progress in the Western Region has not been delayed by the lack of a railway line.

Mr. Muliro: Mr. Speaker, arising from the Minister's reply, is the Minister now denying that the Railways Administration at some stage was contemplating building a railway line from Butere via Mumia to join Bungoma and now that no railway is being built in the country, is this a rejection of the former pledges?

Mr. Mwanjumba: No, Mr. Speaker. The Railways Administration has carried out surveys in this area from time to time but all that time it has not been found economic to build a railway line even from Butere to Bungoma.

CONSIDERED RULING

LIMITATION OF DEBATE ON PRIVATE MEMBERS' AND FREE LANCE MOTIONS

Mr. Kibaga: On a point of order, Mr. Speaker, I am wondering whether now that we have no Opposition, and the Opposition mainly brought forward these Private Members' Motions, would it not be in order now to extend the time given to Private Members' Motions?

The Speaker (Mr. Slade): I think that Mr. Kibaga is suggesting that now that we have no parties and, consequently, no group Motions, we should allow two hours for each free-lance Motion instead of an hour and a half. This is a suggestion, of course. It is open to any hon. Member to move that in the House. The present ruling of one and a half hours for free-lance Motions, which these are now, was a Resolution of this House, and, on the recommendation of the Sessional Committee or otherwise, the House can resolve to give a different time in future for this kind of Motion. The time each Motion can take today, however, is one hour and a half.

MOTION

EVICTIONS OF AGRICULTURAL WORKERS FROM EUROPEAN FARMS

Mr. Kagzia: Mr. Speaker, Sir, I beg to move—

THAT in view of the fact that European settlers continue to evict from European farms African agricultural workers and squatters who are the real sons of the soil, and in view of the fact that these evictions are adding to the already serious problem of unemployment in the country, this House urges the Government to initiate legislation to protect African agricultural workers and squatters from arbitrary evictions by biased European farmers.

Mr. Speaker, Sir, the question of eviction has been a great social evil which has been troubling this country for a long time. I may say from the time of the Emergency. Many of us believed that soon after independence, this social evil would be removed completely from the face of our country, but it is surprising, Mr. Speaker, Sir, to note that eviction has become more frequent since independence than before independence. As we all know, Mr. Speaker, Sir, this is the sort of thing that is really increasing our difficulties in this country. These evictions do not only increase unemployment in this country but do bring a lot of social complications into the lives of our people. Before I go on, Mr. Speaker, it is very essential for this House and the country as a

whole and the world to know the policy on which Kanu and other previous parties in this country had struggled for so many years and on which they have fought and won election. Our policy, Mr. Speaker, Sir, has been that the land in Kenya belonged to the African people, and this land was stolen from us by European settlers. They never bought it from us. This is the policy not the slogan as many people tend to make us believe. We have used this for all these years as a policy and in fact it has been the backbone of our political struggle.

Before many people in this country knew what independence meant, they knew that we had a grievance against the British Government because of the robbery of our land which they did in our country. Mr. Speaker, Sir, up to this day the Kanu as a party have not changed this policy. It is true that the land belongs to us. The Government even has not changed its policy. Only the other day the Minister for Internal Security and Defence told this House that the land belongs to the African in this country, but, Mr. Speaker, it is a shame for the Government or for any Government Minister to stand here and tell us that the land belongs to the African people when thousands and millions of Africans continue to be evicted by a foreign settler in this country, who does not own a single acre in this country by right.

Mr. Speaker, Sir, you go to the Rift Valley or any other settled area you will find that the sons of the soil are roaming about in the streets without homes and without food. You will find thousands of children without schools who have been evicted from their homes where they have been born and where they have lived for years. Now then, Mr. Speaker, I cannot believe that the Government is right when they say that the land belongs to us. The African in this country has been made a beggar in his own country. We are not going to tolerate this. Therefore, although this question has been discussed in this House many times in various ways in the form of questions and in the form of Motions on the Adjournment, I am surprised and I am very disappointed to see that the Government has done nothing so far to remove this problem. It appears to us, Mr. Speaker, Sir, that the Ministers just come here and listen to us, speaking and they just ignore what we talk about. Mr. Speaker, Sir, it is a very serious question and one on which the Members and the country as a whole have been feeling very strongly, Mr. Speaker. But however, in spite of this we have seen no change.

Mr. Speaker, Sir, there are many factors which bring eviction and these are the things that we

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[Mr. Mbogoh] what was delaying the taracadamizing of Sagana-Embu Road.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The bituminization of the Sagana-Embu Road is to be financed by a loan from the International Development Association or the World Bank, which was negotiated late last year. All arrangements are in hand, and we hope that when our plans are accepted by the World Bank, that orders to start work could be given some time in the middle of this year.

Question No. 879

COMPENSATION FOR MBINDO NGUI

Mr. Ndile asked the Minister for Natural Resources whether, in view of the fact that Mbindo Ngui was killed by a lion on 6th January 1965 at Daragani New Settlement, the Minister would request the Machakos County Council to pay compensation to the deceased man's wife.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply on behalf of my colleague.

May I start by recording my sincere regrets to this very unfortunate incident. This resulted from one of the following circumstances. The first is that the lion that killed Mbindo Ngui was an injured one, and had a porcupine quill in his head. It is thought that Ngui must have put this there during the struggle. Another fact is that a bow and five arrows were found at the place where Mr. Ngui was attacked, and it is thought that he was out hunting illegally at the time. The lion was shot and killed by a game warden within half an hour of its having attacked Mr. Ngui.

Regarding the question of compensation, Mr. Speaker, hon. Members are aware that Government does not accept liability to pay any compensation for damage caused by game animals. The Government does, however, encourage the county councils to set up a fund, independent of the others, whereby compensation could be paid to relatives of persons killed by wild animals. Our requests to the county councils have been unsuccessful. The council received a substantial amount of money from controlled area fees which are paid by hunting parties in an area. Last year the council received nearly Sh. 40,000, but has not yet assigned this money for paying compensation. It is not within my portfolio, Mr. Speaker, to give county councils orders on what they must do with

their finance. I cannot, therefore, tell the Machakos County Council to set up a compensation fund to pay compensation to the relatives of those killed by game animals. My Ministry has already strongly advised them to do so.

Mr. Ochwada: Mr. Speaker, Sir, could the Minister tell the House whether the area where this unfortunate incident took place was within the Game Reserve Area or just outside the area?

Mr. McKenzie: I gather it is neither inside or outside, but is just about on the border.

Mr. Omweri: Mr. Speaker, Sir, since the Government is responsible for all the money collected from the tourists, and since the Government is in charge of looking after this game, could the Government therefore accept responsibility for compensation, because these animals are there for the benefit of the Government?

Mr. McKenzie: The hon. Member is not correct. All the money does not come to the Government. Half the money goes to the county council, and this is why Government strongly advised the county councils to set up a fund, and I gather that some county councils are setting up a fund, but this county council, although it received its half share of the finances, has not set up a fund.

Question No. 863

LOANS FOR POULTRY-KEEPERS

Mr. Ndile asked the Minister for Co-operatives and Marketing if, in view of the newly formed poultry company by the people of Southern Division at Enali in Machakos, the Minister would grant a loan of Sh. 30,000 to promote poultry business in Machakos.

The Minister for Co-operatives and Marketing (Mr. Ngeli): Mr. Speaker, Sir, I think a letter has been written to you saying that this does not concern my Ministry, and the Clerk should have given it to you.

Mr. Nigala-Abok: Mr. Speaker, is it not procedure that when the Minister discovers that the question is not within his portfolio, he has to send that question across to the other Minister concerned? Does the answer have to come to the National Assembly saying that the question does not concern the Ministry?

The Speaker (Mr. Slade): That is the usual procedure, but this being a new Ministry, possibly they are not aware of it. When a Minister receives a question which he thinks belongs to another Ministry, we do expect him to pass it on immediately; or, if he does not know the right Ministry,

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[The Speaker] to pass it back very quickly to us, and not wait until the question is due to go down on the Order Paper. In view of the position he has told us now, we will keep this question until we get it to the right Ministry.

The Minister for Finance (Mr. Gichuru): On a point of order, would it be in order if I replied to the question on behalf of the Minister for Co-operatives?

The Speaker (Mr. Slade): Yes, I think Mr. Ndiria would be very grateful if you could.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. My Ministry would consider, through the Industrial and Commercial Development Corporation, an application from this new poultry company in the same manner that any other application is considered. I should, however, make it clear that the Industrial and Commercial Development Corporation is restricted mainly to purely industrial and commercial projects. This new poultry company does not appear to fall within this category and I would, therefore, suggest that it approaches the Ministry of Agriculture which could more appropriately handle such a project. I would like to go further and say that normally he should not bring a question of this nature here, because it does not help very much, but I think what the questioner ought to have done is to approach the Minister for Agriculture in the first instance, then, if he was dissatisfied, he could bring the question here.

Question No. 895

MINIMUM WAGES LEGISLATION

Mr. Lorena asked the Minister for Labour and Social Services if he would tell the House the reason why the Government cannot introduce legislation compelling all employers to pay their employees uniform minimum wages.

The Speaker (Mr. Slade): Is the Minister for Labour and Social Services here? Mr. Mwendwa, I am afraid we are jumping about a bit.

The Minister for Labour and Social Services (Mr. Mwendwa): Yes, Mr. Speaker, but you are jumping about!

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on a point of order, is the hon. Member in order to say that you are jumping about?

The Speaker (Mr. Slade): I think the hon. Minister was following up my statement that we

were jumping about; though I was not referring to what I was actually doing myself.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. The hon. Member may not be aware that the basic minimum wage for various trades and industries in Kenya is covered by existing legislation. Urban minimum wage regulations (inclusive of housing allowance) of general application of all labour in the thirteen main towns of Kenya is effected through the Regulation of Wages (General) Order. Statutory Regulations of Wages and Conditions of Employment through Wages Councils, and Wages Regulation Orders made on their advice, govern the basic minimum terms of service in ten trades or industries.

As the hon. Member may know, a committee known as the National Wages Policy Advisory Committee has been set up by Government to review Kenya's wage and salary structure among other terms of reference. The report of this committee is expected to be made available to this House and the Government in the near future, and it is then that the hon. Members will know what is happening.

Mr. ole Tipes: Mr. Speaker, Sir, the hon. Minister talked about minimum wages in the urban areas. What about the rural areas where most African farm labourers are employed? Who is covering them?

Mr. Mwendwa: Mr. Speaker, I do appreciate the point raised by the hon. Member but this will also be covered in the report of this Committee.

The Speaker (Mr. Slade): I think we must move on to the next question. Before we do so, I would like to explain to hon. Members that Mr. Ngeli has told me exactly what happened over Question No. 863. He has told me that his Ministry, in accordance with the proper procedure, did go on to the Minister for Commerce a week ago, and informed the Clerk (that he had done so, and that it had been so passed on, it is no fault of his. It is perhaps our fault in not having noted on the order paper that it was a question for the Ministry of Commerce rather than his Ministry.

Question No. 854

LUGARI SETTLEMENT SCHEME

Mr. Godia asked the Minister for Lands and Settlement if he was aware that the Lugari Settlement in Western Region was originally intended to relieve the Maragoli, Triki and Bunyore Locations of the large number of people per acre who lived there, from 1,500 to about 500.

Friday, 26th February 1965

The House met at Nine o'clock.

(By the Speaker (Mr. Slade) in the Chair)

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
Sessional Paper No. 9 of 1965: Amendment to Senate Standing Orders.

(By the Assistant Minister to the President's Office (Mr. Nyamwaya) on behalf of the President (Mr. Kenyatta))

NOTICE OF MOTION

BOARD OF INQUIRY INTO PORTS' OPERATION

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

THAT in view of the insecurity, widespread fear and despondency caused by the announcement of the railway take-over of the ports on 1st March amongst the dockers and workers in general, this House urges the Government to set up an independent board of inquiry to investigate the most effective and efficient way of operating the ports.

WITHDRAWAL OF NOTICE OF MOTION

SITUATION IN SAMBURU DISTRICT

The Speaker (Mr. Slade): Yesterday, I told hon. Members that Mr. Rurumban would raise on adjournment next Wednesday the matter of the killing of the people in the Samburu District by *Shifia*. He had already given Notice of Motion on the same subject, but I understand he now wants to withdraw that Notice of Motion so as to make it possible to raise this matter on adjournment instead.

ORAL ANSWERS TO QUESTIONS

Question No. 872

SCHOLARSHIPS FOR WEST POKOT STUDENTS

Mr. Lorema asked the Minister for Education if he could tell the House how many scholarships he was considering giving to Pokot students this year.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. It is not the Government's policy either to select candidates on a tribal basis or to differentiate between candidates

on such a basis. When the selection board select suitable candidates, the criterion used is individual merit, and it is incidental that this candidate come from one region or tribe, and that candidate from another tribe. It would not, therefore, be possible to allocate a given number of scholarships to any selection of a community.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, is the Minister aware that the Government has stated many times that it is the intention to help those districts which are still backward, of which West Pokot is one? Is the Minister now contradicting himself?

Mr. Koinange: Mr. Speaker, Sir, we are not contradicting ourselves.

Mr. Mhogoh: Mr. Speaker, Sir, in view of the fact that West Pokot was neglected by the Imperialist Government, does the Minister want to tell us that the present Government is adopting the same attitude towards the Pokot people's education?

Mr. Koinange: No, Sir.

Mr. Muliro: Is the Minister not aware that it is only in which way we can integrate Kenya as one nation and one society is that the neglected areas must be given priority in the modern development and planning?

Mr. Koinange: It is quite true that we must give priority to neglected areas. That is quite true. But the selection must not be on a tribal basis, tribal settlement and so forth.

Question No. 873

LAND REGISTRATION FOR WEST POKOT

Mr. Lorema asked the Minister for Lands and Settlement if he was satisfied that land registration in West Pokot was proceeding at a satisfactory pace.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. I am not satisfied that land registration in West Pokot is going at a satisfactory pace. The fault does not lie with my Ministry at all but lies entirely with the residents of the district. An officer was sent to West Pokot District in April last year to prepare the way for land registration, where there had been some considerable demand for the operation. The officer commenced the actual work in July 1964, and there was good progress at first. Unfortunately, later the West Pokot people created an obstacle to the work by demanding that non-Pokot residents be removed

(The Assistant Minister for Lands and Settlement) from the district and sent elsewhere. This problem has caused the virtual suspension of any further land registration work in the district and no further staff can be moved into the district until this matter is finalized. Up to the time, of this suspension, approximately 12,000 acres had been demarcated and skeletonally planned. I trust that the hon. Member for West Pokot will endeavour to focus the matter with the people of his constituency in an attempt to reach an amicable settlement over the whole affair.

Mr. Lorema: Mr. Speaker, Sir, is the Assistant Minister aware that that state of affairs was reached at the time of the Government ultimatum that if West Pokot did not agree to those people staying there then they would withdraw all forms of aid and money that would be granted to the West Pokot people?

Mr. Gachago: That is not the case.

Mr. Mallros: Would the Minister not agree that the West Pokot require every assistance to preserve their land for the West Pokot? Therefore, the non-West Pokots should not live in that district if the West Pokots do not want them?

Mr. Gachago: Mr. Speaker, Sir, it is the intention of the Government to reserve land for the people basically entitled to that land, but the situation in this case is that the indigenous residents of West Pokot are basically nomadic and for many years the development in this district has been carried out by non-Pokot residents, largely Abaluhya and Kikuyu. When land consolidation was introduced in the district, non-residents had claims on land which the West Pokot people would not accept. The matter was referred to the Office of the Attorney-General, who said that non-residents were entitled to claim for land in that district, just as much as the Pokot people. In view of their long stay in the district and because of the fact that they were contributing a real share in the payment of taxes in the district, it is hoped in future to complete the whole of the land location and progress from there to cover most of the areas when this matter is finalised.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that only twenty-five people were given land in West Pokot lawfully, and the rest do not understand how they came?

Mr. Gachago: Mr. Speaker, Sir, I feel inclined to disagree with the hon. Member if, as it appears, land development has been carried out by non-Pokot in the whole district.

Question No. 897

NON-AFRICANS WITH KENYA CITIZENSHIP

Mr. Anyleni asked the Minister for Home Affairs how many non-Africans had taken out Kenya Citizenship so far and how many had not.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Records held by the Department of Immigration show that 3,911 non-Africans had registered as citizens of Kenya as at 26th January 1965.

With regard to the second part of the question, in June 1963 it was estimated that there were 180,000 Asians and 53,000 Europeans in Kenya. A considerable number of these non-Africans have left Kenya for good since June 1963; but it is not possible to say how many non-Africans have not taken up Kenya citizenship since it would be necessary to investigate each individual case to know whether or not a person had the required qualifications to apply for Kenya Citizenship.

Mr. Anyleni: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he then agree with me that of the 230,000 non-Africans in Kenya, only about 3,000 have applied and if this is the case how many of the remaining 230,000 do qualify as Kenya citizens because of birth; so that we can be able to make out how many remain and require to apply for citizenship.

The Speaker (Mr. Slade): The Assistant Minister has already answered that.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House how many of these 3,911 are Asians and how many of them are Europeans?

Mr. Nyagah: I am afraid, Mr. Speaker, that I do not have a breakdown, but if the hon. Members are very interested it is possible to supply this in writing.

Mr. Gichoya: Arising from the Assistant Minister's reply, could the Minister tell the House whether, those who have been made Kenya citizens are still entitled to their rights as voters in Kenya?

Mr. Nyagah: Mr. Speaker, Sir, the hon. questioner knows as well as I do the requirements of the Constitution before 12th December 1965.

Question No. 910

SAGANA-EMBU ROAD: TAMRAC

Mr. Mhogoh asked the Minister for Works, Communications and Power, having regard to the Minister's reply to his previous question,

[Mr. Anyienj] the next day you are in Kakamega, Mombasa, how could an hon. Member honestly expect this man to educate his children? We must agree that if you employ an officer and you transfer him that officer must educate his children, because if we agree, for example, that a chance must be given to the children of officers who are transferred now and then; we must agree that Government must set up institutions where these officers can also afford to take their children and leave them there so that when they are transferred there would be no complaints and refusals of transfers due to their children's schooling. We want these officers to work without having to worry about their children.

I would like to say here that in my opinion the Government should maintain these former European primary schools, no matter if the school fees are low because it is not only the rich people who are transferred, even the poor people are transferred. In this particular respect we would like, Mr. Chairman, Government to work out a method where a person should pay what he can afford and the Government would then help him because, if—for example—you put school fees at Sh. 600 per term the poor man who is being transferred is not taken into account. If Government could now take these schools and work out that sort of system it would cater for those who are serving the country and do not have the chance to stay in one place, but who are moved in the interests of the nation.

For that reason I fully support the Government in maintaining these schools and I hope that hon. Members will see that we support those officers in the field.

With those few words I wish to oppose.

Mr. Mvamandl: Mr. Chairman, Sir, I stand to support the Motion that there should be a reduction of £200,000 in this Vote.

There is one thing, Mr. Chairman, we should not be of the opinion that this is a European school so must be supported by the Government. In the old days, when we saw any big fruit, we said "this is a European fruit". It is time now to improve these things and now I say that it is time that these European schools are supported and run by these county councils. We should not have that colonial mentality, in which case, Mr. Chairman, we should try our best to support our county councils so that they support the schools. By so supporting the county councils we will get the standard of education and the situation at which our primary schools should be. Mr. Chairman, when we say that there should be £372,600 it sounds a lot of money, it is Sh. 7,452,000. This

will, of course, make the Government poorer. This is the time for self-help so that these people who have their children in these European primary schools, can get the assistance needed, and not rely on help from the Central Government. We, too, need help for our primary schools, we, too, need the standards at which these schools are kept and now that we have an African Government it should see that all schools are of the same standard; if we want our schools to appear like European primary schools, let us do this. If we want to apply these self-help schemes, let us tell everyone to do this. We should not tell the Africans this as, when they go to the European schools, we should give them every assistance.

With these few remarks, Mr. Chairman, I support the move to make a reduction.

Mr. Lorema: My statement, Mr. Chairman, regards the first part of the question. That is, the secondment of teachers. I agree entirely with Eldoret, Nyeri and Kitale schools. On the secondment of teachers, I would like the Minister, in particular, to tell the House who these teachers are who are going to be seconded by the Government and who are going to be paid directly by the Government. What qualifications do they hold? If I may continue, Mr. Chairman, I would also like to say that the Minister has stated formally that some of these teachers have been seconded to these primary schools which were formerly run by the missionaries. May I know whether some of these teachers are going to be paid directly by the Government and some of them paid by the county councils? I do not know whether this was explained or not, I would like the Minister to answer this. Would the Minister for Education also tell us why teachers from other sections are going to be paid directly by the Central Government in this way? Is the Ministry aware of this thing which is threatening the country, that is such-and-such a district, under such-and-such a county council, there are so many teachers going to leave owing to lack of funds?

Mr. ole Tipt: Mr. Chairman, Sir, I think the position ought to be made very clear. Are we here for the sake of argument, to be obstinate and unreasonable? The position, as I see it—

It is no good my friend interjecting, because I am on the Floor—

An hon. Member: Address the Chair.

Mr. ole Tipt: Now, the thing is this; these schools—for the information of hon. Members who seem to be rather ignorant of the facts—were the former European schools in Kitale.

[Mr. ole Tipt] Eldoret and Nyeri, and I say this from knowledge because I entered into some of the negotiations when the regions were functioning. These schools were to be closed down and do not forget that the erection of some of these schools—mainly the three I mentioned—was carried out by private subscriptions by a different community. It was the intention of the Government to maintain these three schools as educational institutions to be used by Africans, rather than sell them to the Indians or anybody else, to be used as bars or places like that. Now I do not honestly understand what all the argument is about. We, the Government, have said that as soon as these institutions are taken over by the Government they will be handed over to the county councils.

I challenge one Member over there, if he has the courage to tell us that the Usain Gishu or the Kitale County Council, can foot this bill in order to take over the permanent improvements and the running of these schools; just like that. It is no good arguing for the sake of arguing—be patient, I have not yet finished—

The Chairman (Dr. De Souza): Are you likely to be much longer, Mr. Tipt?

Mr. ole Tipt: Yes, Sir.

The Chairman (Dr. De Souza): Then, I am afraid that you will have to wait until the next day.

It is now time for the interruption of business and I will call upon the Speaker to report the progress and beg leave to sit again.

(The House resumed)

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

PROGRESS REPORTED

SUPPLEMENTARY ESTIMATE No. 3 of 1964/65—
RECURRENT

Dr. De Souza: Mr. Speaker, Sir, I am directed to report the progress by the Committee of Supply in their consideration of Vote 16—Ministry of Education of Supplementary Estimate No. 3 of 1964/65—Recurrent and beg leave to sit again on the next Sitting Day.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is now adjourned until tomorrow, Friday, 26th February, at 9 a.m.

The House rose at thirty minutes
past six o'clock.

Mr. Gichoya: Mr. Chairman, I feel sometimes that either we are being ill-informed of what our Minister is doing, or if we are well-informed, we try to run away from the responsibilities. We know under the Constitution, Sir, that there were certain schools, secondary schools which were made national schools. There was no stage whatsoever that we were told that primary education and intermediate education could at any time come under the finance of the Regional Assemblies. I know that county councils deal with intermediate education, with primary education for a number of schools, but since these institutions which are in Kisale, Eldoret and Nyeri were the monopoly of the Europeans, the Ministry thinks that it is better we continue financing these institutions from the Central Government rather than leaving it to the funds of the county councils which know the weaknesses better and the good points of those institutions. I think Sir, it is wrong in principle for us to deny the county councils their responsibilities and also to impose upon us additional expenses which ought to come from local sources.

Now, if the continuance of these institutions is for the good of the country, and if as all they are private institutions, then of course the county councils in those areas should do it. They should take over the whole management under their control. However, I do not see the point why we should just think of particular places and feel they need special consideration. One way or the other it will be a method of trying to create disparity within the country because the districts where the Europeans were cannot enjoy the facilities of the Central Government. I am very reluctant to grant this amount to the Ministry of Education to facilitate the former Asian institutions which are very local. It is very difficult for some person to know that in Kisale there is a school where a child could come from, say, Embu or any other place for primary education when primary education everywhere are more or less on a similar standard. The standards of education are regulated by the Ministry of Education. The Ministry of Education cannot order that a particular institution should maintain a certain standard as far as primary education is concerned. If it were converted into special colleges, maybe colleges to train for commerce and industry on a small scale, that is understandable. However, for primary education I think we should be making a mistake to accept that these schools which are meant for districts should be taken over by the Central Government and the Central Government finances.

I feel it is morally wrong to enrich some districts and impoverish the others.

Mr. J. M. Kariuki: On a point of order, I think you ruled that in Committee of Supply we should only discuss a few points based on the subject matter but should not embark on lengthy discussions.

The Chairman (Dr. De Souza): In this particular case as I understand it the question of subsidizing, or whatever it is, I do not know the exact details, of new European schools is a completely new point. If it was a question that had already been decided on policy before, that we were merely asking for a little extra money then we can only discuss the extra money. However, if it is a question, as I understood the Minister to say, that we are taking over the European and Asian schools and, therefore, we need money for a new item of policy, then I think the item is of course involved in the extra money. That is a different point.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I would like to explain the particular points here. The point is that these three schools are very valuable assets and the Government felt that they should be taken over. Negotiations are going on for their being taken over, and when these are through, the schools will be handed over to the county councils. It is not a question of a special case, it is that the Government wants to ensure that the institutions will remain as educational institutions. Otherwise they may be sold or used in any other way.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I do not know about schools at Eldoret, but for the schools at Nyeri and Kisale, it is of great value to the Ministry to have people who move about a lot. These are primary boarding schools. For instance, we have agricultural officers say in the Turkana area, and areas where they move around a lot, and one of the points that we have been asked by agricultural officers, and I gather this is the same in the administration in the outland places, is that they would like to have institutions of education somewhere nearby whereby they can put their children as a primary boarding school. But, there is this point to bear in mind. The Minister for Finance is absolutely right. Our information, when we asked about this point, would ultimately come from the county council.

Mr. Oduya: Mr. Chairman, I therefore, beg to move that Vote 16 Ministry of Education be reduced by £200,000 from £617,746 to £417,746.

My idea is to reject the whole thing, but the Government is trying to go back to the old colonial policy, because, Mr. Chairman, in other parts of the country today, the Education Ministry

(Mr. Oduya) is refusing to allow the primary schools to run as boarding schools. But, we are surprised that on our own Government, at this stage when we are independent, has not seen fit to hand over the running of these schools to the county council. The Government still takes taxpayers of Kenya's money to run these schools, which are mainly for Europeans, mainly for rich people, let us say, and forget that there are areas which require some assistance immediately. If at all, the Government wanted seriously to run these schools, within a year they could have handed over all the machinery to the county council concerned. If they had enough money, they could run these schools efficiently. All the people in Eldoret are rich people, settlers, who have money, so the county council could run these schools very efficiently, without any additions. The same thing applies in Nyeri where the county council could run the schools there.

Now, the county councils which require some assistance have been ignored, and the Government takes the taxes of the people to go and run schools which are only going to be used by the people who are rich, who are the only people who go to these schools.

The teachers are taking the normal procedure of other teachers in Kenya, and these are very important aspects to the country, but we know that in other primary schools that are run by the Kenya Government at the moment, they are asking for more money, so we are asking that this amount of money should not be approved.

This is my main reason for moving the reduction of such a large amount of money, because I know in Busia, there are no European schools there, and there are none in Kakamega. In the whole of Trans Nzoia there are very few, but these few are only for rich people. The same thing applies in Uasin Gishu, and therefore, we are not going to have the taxpayers in Kenya running these schools, which are not benefiting the nation, as such.

How do you expect a Coast chap to go to a private school in Nyeri unless he belongs to a rich family? Mr. Chairman, it is a simple thing and this House will not allow this amount of money for these schools which do not help either Masari Tsou, Turkana or Samal, the population who are in need of education in Kenya. These schools are specifically there to advance the education of rich children, the children of the rich people, the Ministers here and the top men in the Civil Service, but not the poorer citizens.

As hon. Member: What about you?

Mr. Oduya: I am told that I am not a big man. I am a worker. So, Mr. Chairman, I move that a reduction must be effected forthwith.

(Question proposed)

Mr. Mutiso: Mr. Chairman, I think, the hon. Members are entirely wrong when they suggest that these schools are costing the Government such an amount of money whereas it should have been given to the county councils. I think the Minister did not indicate the reasons why these schools had been taken by the Central Government. It was because they are very important assets, Mr. Speaker, and I think the Member who has moved this Motion is aware that there are very few county councils in the country today which could begin to run these schools at the same standard at which they have been running. Also it was pointed out to the House Mr. Chairman, that the main reasons at the moment—

There are provisional teachers going out as soon as these things are over and as soon as these schools have been taken over by the Central Government, then they will be handed over to the county councils. There is no reason to believe that they will continue to be run by the Central Government immediately they have been acquired. Whilst it has been proposed that this sum of money has been spent on these schools it is because we want to maintain the very same standard and the dignity of those schools until such a time that it becomes the property of the Central Government, and then it will be handed over to the respective county councils. So I think, Mr. Chairman it is really something which the hon. Members should think about, that the Government is for the people and therefore they must have no anxiety over this. There is no question of having racial discrimination in those schools. There are no racial schools, they belong to the Government which the Members very much support. So, they can rest assured that as soon as everything is completed in the form of administration, these schools will definitely go to the county councils.

Mr. Anylen: Mr. Speaker, I find it difficult to agree with my hon. friend with whom I normally agree, because I think we must recognize that while we represent the poor people, we will not kill all the rich people, and while we talk of the rich people we must also know that there are poor people who may not be very rich, but who must educate their children. One Minister here has explained that some of these schools have been maintained.

I would like the hon. Members to imagine that, for instance, today you are in Wajir, tomorrow you are in Kisii, the following day you are in

Mr. Soli: many trips to the fields and thus incurring the Government a lot of expenses?

Mr. Kolnange: Mr. Chairman, we have actually—in the Ministry of Education—acted in this way. If a Member or Minister comes to us and says that he wants to know something about Kakamega or even about Kapkuria or Mombasa, what we usually do is to inform our Members who are representative in that area, but we do not send a man from Nairobi to Kakamega or from Nairobi to Mombasa to answer for the purpose of incurring expenses. We actually contact our representative in that province who deals with the subject and reports to us.

The Chairman (Dr. De Souza): We will go on to the next Head now.

(Head A2 agreed to)

A3—Equipment, Maintenance, Postal and Incidental Expenses

Mr. Gichoya: Mr. Chairman, Sir, I would like to know the nature of the equipment the Minister is demanding to be financed here, taking into consideration that certain officers of the Ministry of Education in the districts are very badly equipped. Some do not even have offices. Does it mean that this additional amount is to maintain the non-existent services in the places where they do not exist or is it meant to facilitate the establishment of new facilities for the officers in the field in the districts?

Mr. Kolnange: Mr. Chairman, it is for the latter.

(Head A3 agreed to)

A4—Miscellaneous (Cost of Official Entertainment)

Mr. Oduya: Mr. Chairman, can the Minister tell us what type of entertainment he means and who does the entertaining? I remember last time we gave him a lot of money here. I have been here for nearly—how many months? Nearly two years. I have not, during this time, seen the Minister for Education, the former and the present one, entertaining anybody on his own. Even if he does official entertainment, we would like to know how the Minister arranges this. I thought that the money, Mr. Chairman, which we vote here, is calculated into how many functions he will have during that period, in accordance with the amount voted. Now we see that the Minister wants more; he must have arranged the parties, and he has been, in fact—let me use this word—so selfish that he has used his money up quickly and now comes

to us for more money, before even the end of our financial year. Now, I know—

The Chairman (Dr. De Souza): I think you have made your point, Mr. Oduya.

Mr. Oduya: Yes. Now, let him answer that first.

Mr. Warlith: Mr. Chairman, I would like to know—this money is for Official Entertainment—who, apart from the Ministers, among ourselves—

Mr. Anyani: On a point of order, Mr. Chairman, Sir, I would like to seek your ruling as to what happens when a Member asks a question and then the Minister replies, and then another Member asks a question and the Minister does not reply. Why is it that Members ask the questions and get no replies?

The Chairman (Dr. De Souza): Mr. Anyani, you know, this is not Question Time. We are discussing Estimates. If the Minister stands up and shows an indication of wanting to reply, naturally I call upon him to reply. But if he does not show any indication that he wants to reply, I call upon the next speaker. This is not question and answer; it is a debate on this particular point which we are considering in Committee.

Mr. Warlith: Mr. Chairman, what I want to know is who are allowed to have Official Entertainment? It may include the Ministers or the other many officers in the Ministry, they are officials. An officer may go around in the field or a headmaster of a school may give a lunch or something like that. Would the Minister tell us apart from himself, who are the other officers who are allowed this particular allowance?

Mr. Kolnange: Mr. Chairman, if we have visitors who are in this country and from whom we are requesting some kind of help, we will create that back-ground by entertainment with a view of getting something from them. I have it here in my pocket—let me see whether I have it here—something concerning somebody who is planning to give us, who promised us, an amount of £50,000. You must listen.

We will create, since we are in the department very poor, an opportunity to get some of the people in relation to this together, with a view to find out how this £50,000 will be implemented. Will not only ask the senior officers or the other people, we will get some people, Members of Parliament or Cabinet Ministers and other friends, only a few who will create an atmosphere so that we will get the £50,000.

The Chairman (Dr. De Souza): I think we have had enough now on this point. We will go on.

(Head A4 agreed to)

B1—Personal Emoluments

Mr. Omari: Mr. Chairman, on this Bill, I would like the Minister to give us more explanation of how this money is going to be spent, £372,000. I find that on page 22, Mr. Chairman, B1—with your permission—I read "Personal Emoluments. The additional sum of £343,978 required to meet the salaries of staff seconded to primary schools, covered by an equivalent appropriation-in-aid. A further sum of £28,622 is required for the three schools at Eldoret, Nyeri, Kitale which are to be financed from the centre." These schools, Mr. Chairman, are primary schools, I think, and since they are, they are the responsibility of the county councils. Now, I do not see any reason why they should be financed by the Central Government. Therefore, I would like the Minister to tell us why he found it necessary to finance these primary schools which are the responsibilities of the county councils.

Mr. Kolnange: Mr. Chairman, these were former European schools and I think that the Member will agree with us that the responsibility and the use at present of these schools should now be within the powers of the Ministry of Education. I do not think anything more can be added to that. May I say this, Mr. Chairman; I am not actually trying to cover the whole thing, but the arrangements of administration for primary, secondary, trade and other schools have been so constructed with one main object, to offset from the Constitutional point of view the powers, which are then regional, to the Government. This responsibility is now in the hands of the Government to discharge those responsibilities from a financial point of view, whether we think in terms of primary, secondary, trade or schools run by Europeans or Asians. Those are the matters which have caused this additional expense of £617,000.

Mr. Mallada: Mr. Chairman, I would like the Minister to explain to me why it is that Eldoret, Nyeri and Kitale Schools former European schools are going to be financed by the Central Government and that they are going to spend all that money? Why should they be considered specifically and not others in the country?

Another thing, Mr. Chairman, I would like to know in the explanation notes here, it says "the additional sum of £343,978 required to meet the salaries of staff seconded to primary schools", where were these members of staff working before they were seconded to primary schools?

Were they in secondary schools and have been brought down to primary schools, or where were they taken from? Can I have an explanation on those two points.

Mr. Kolnange: Mr. Chairman, we are interested in making the best use of the three schools mentioned which were European schools in the past, and we are interested in promoting these schools to better use. For that reason we think that—if the Members would wait and give me a chance, I will tell them what they will do in those schools—

The point is this, Mr. Chairman, some of the schools were formed by missionaries and secretaries and all that. The responsibility which was covered by missionaries in mission schools and mission affairs, seems has now been turned to the Government. Some of the members of these were seconded to these Government schools.

Mr. J. M. Karuki: Mr. Chairman, Sir, I would like to know from the Minister whether these primary schools which are being taken over by the Government have any African children in them, and if so will the school fees be lowered to suit the standards of the Africans? Or will the standards be left and the fees be left as they are, allowing only those people who are well-to-do to send their children there?

Mr. Kolnange: Mr. Chairman, I believe the former Minister for Education has, in the House before, stated that the students who are now attending the schools which had originally and have still high fees are to a certain extent given a scholarship by the Government to meet the differences. We are also taking certain measures of investigation. For example, there are rural schools at the Coast which were catered mainly for Arabs, so fees were higher, but the majority of the students who now attend those schools are Africans. Those are not within the radius of Mombasa Township or municipality. The Ministry is investigating how the fees in the rural areas can be adjusted in this particular area to have the full African population attending those schools. At those places where the question pointed, we are now considering giving more scholarships, and at the same time studying under the new plan how to adjust the fees.

Mr. Oduya: Mr. Chairman, I beg to move:—

THAT Vote 16—Ministry of Education be reduced by £200,000 from £617,746 to £417,746.

The Chairman (Dr. De Souza): You have to give it in writing you know. The procedure is to give it in writing before you move it. I will call you to speak later and let somebody else speak meanwhile.

[Mr. McKenzie]

House is being asked to do to agree to this expenditure. We are also told at the same time by the Treasury that this money is in fact going to be available under the old machinery which would have given it to the regions. I hope that this is clear.

Mr. Anyleni: Mr. Chairman, Sir, I think the Minister should not try to confuse the issue. I think the Government now agrees that whether there was a change in the Constitution or not, we would have been asked to approve this amount of money.

The Chairman (Dr. De Souza): I think, the Minister has made this quite clear. What the Minister has said is that these are merely the moneys that Regional Assemblies should have spent, or would have spent, but as they do not have powers now to spend the money, the Central Government is spending this money. But as far as the regions are concerned, it does not come into Supplementary Estimates. That will be separate. The Minister is trying to say that he has been informed that about £5,050,000 will, in fact, come from those Heads, namely petrol tax and one-third of customs and excise duty, which will be more than enough compared to four million nine thousand pounds which we are asked to spend now, because the Government cannot spend four million nine thousand pounds unless we pass it here. Before, it was going to be spent by the regions. I think the Minister has made that clear.

Mr. Anyleni: Mr. Chairman, Sir, the Minister said that this is the money that we will require. Now if this is the money that Central Government would have required as proposed by the Regional Assemblies, also accepting the summonses which the Regional Assemblies have proposed.

Mr. McKenzie: Mr. Chairman, Sir, the amount of £5,000,000 is all the money that would have been available to the regions the sum total, but the hon. Member is in fact right to a certain extent. We, in this House, in the Budget debate did pass certain amounts of money to be made available specifically to the regions, so some of that money you are reallocating today, not on a regional basis but on a Central Government basis.

Mr. Anyleni: Mr. Chairman, Sir, shall I put it to the Government to explain to this House why for example, you say that this has been the only case: the Nyanza Regional Assembly has estimated that they were going to put up thirteen

secondary schools in the year 1965, but as a result now only up to three or four have been taken over by the Government and if these estimates are estimates which were issued to the Central Government by the regions, then I would like the Government to tell us the difference between what the money they are asking for today, and between what the Regional Assemblies actually did suggest, they would require for the purposes of their people and the services which the Government agreed to give with this amount of money.

Mr. McKenzie: Mr. Chairman, Sir, certain of the regions were running into financial difficulties and were attempting to operate on overdraft facilities by owing money. As I have explained the amount here is only about £100,000 different between what Government maintain they are going to get in and what they maintain they are going to spend. Under the regional powers a Regional authority could pass any Estimates it liked over and above that agreed with Government, so long as they found the money from somewhere. Certainly you will remember the thought of cutting down on certain things and doing something else with them, this they had the power to do and as the Minister for Finance said earlier on, when we see the accounts we are going to find that some of the regions were in fact, by the time they had achieved half-way through broke and other regions you will find that the finances were in a very good position operationally. You can pass Estimates but you cannot implement those Estimates unless you have the money.

Mr. Gichoya: Mr. Chairman, Sir, the Minister agrees that some of the Regional Assemblies did have a kind of facility in spending what they never had but they had planned for it, in other words an overdraft. Now would he tell us exactly which were those regions which did have the overdrafts, without the authority of the Minister. Since we had a Ministry responsible for the regions and how did it come about that they could have those facilities when the Central Government which gave them the money and which was the custodian of this House so far as the expenditure of the money was concerned.

Mr. McKenzie: Mr. Chairman, Sir, we will not know the exact position of the Regional Assemblies until all the accounts and everything have been done. But I would like to remind hon. Members that this House was not the custodian of the Regional Assemblies' budgets. They operated their own budgets, they had their own estimates, they passed these estimates which we

[Mr. McKenzie]

are now attempting to pass, it had nothing whatever to do with us as a Central Government. This is the Constitution. The only power we had this as a Central Government, under the Constitution, was giving them certain block amounts of money; they operated their own budgets and estimates. But I think we are getting a long way away from the subject.

The Chairman (Dr. De Souza): I think so too. We are discussing regionalism and I think we are well away from Personal Emoluments.

(A1—Personal Emoluments agreed to)

A2—Travelling Expenses

The Chairman (Dr. De Souza): Do you want to talk on Travelling Expenses?

Mr. Ngala-Ahok: Yes, please, Mr. Chairman. Sir, I stand to query the Minister on how he arrived at this figure, the additional figure that is required, and how these travels of the officers in the field are estimated? In doing that I just want caution or to bring to the notice of the Minister the fact that stories are now going round that some of these officers in the field at the moment are not very careful about the way they are travelling either when they are on duty or not on duty, and also, Mr. Chairman, Sir, suspicion that some of the journeys made by the Government officers do not concern Government jobs. I mean that they do not make any difference between going to visit a Member of Parliament of an area to discuss an official issue and going to visit a teacher or a fixed in a district. It is generally known now that most of these Government officers use Government petrol for private purposes.

In answer to this query I think I should get the correct answer, because I want to know how we get to know here in Nairobi how our officers travel on duty; whether what we are approving here is strictly going to be used for Government functions. The troubles will concern Government deficit. I want also to hear the interpretation of Travelling Expenses here in terms of where an officer has to go. For example, an officer visits a Member of Parliament on a certain day to discuss problems concerning his Ministry. The officer goes also to meet a teacher at his house. To these two places he goes in a Government Land-Rover. You may find that he is going to visit his home. You may find that at his home he is there with the Government Land-Rover. So we want to know how the Government—the machinery which tells the Government—knows how many journeys will be made during this period by so many Government officers, either at

provincial level or at district level, so therefore the estimates will be such-and-such, and the additional money required is so much.

This is very, very important in view of the allegations that Government petrol is being used for functions which are not actually concerned with Government affairs at all. That is what I want to know.

Mr. Kolsange: Mr. Chairman, Sir, I would like to say this has something to do with the field officers. Not a single one could bring his account if he is travelling to see his own friend or his own family—you must not ask how I know, you must be sincere and give the proper respect to your own workers, the civil servants, just as you expect them to respect you—bring to the Ministry anything where he has gone to see his own family to claim public money.

Mr. Ngala-Ahok: Mr. Speaker, Sir, what I wanted the Minister to tell me was, and not actually to doubt my sincerity in this matter. I gave a very good example of how these two functions could be taken either as official or not official: visiting a teacher friend and visiting a Member of Parliament. Also we know the way these officers claim: they report that they visited so many settlement areas so many times during such a month. They are not given chits by officers in the field to say that they have been to see them. They are not given chits for the visits they have made. This means that they come to Nairobi and say that, "I went round my constituency fifty times," and yet he did not go. There is no machinery to check this; he could make it up. We are saying that we are closer to these people in the field, and we see them travelling in different ways, using Government transport. Formerly we had European officers in the district who did not have many friends in the district, but remember that at the moment they have brothers who are employed in the area there. Some are unmarried people; they want to go round and make themselves popular.

This is the point I have made. We want the machinery to check on these people that we can estimate properly on strictly Government functions.

Mr. Soli: Mr. Chairman, I just want to ask the Minister one small question. There has been quite a lot of travelling expenses from the Government and Central Government field work. I wonder whether the Government has ever thought that travelling is much more expensive than telephone communications to the officers in the field who in turn can get into touch with the other prominent officers in the field, rather than making so

The Chairman (Dr. De Souza): No, no, either substantive, or sit down.

Mr. Gichoya: Mr. Chairman, Sir, if I could be allowed the liberty—

The Chairman (Dr. De Souza): No, please sit down.

Mr. Gichoya: My problem, so far as this increment is concerned, is as to whether it is the question of additional appointments within the Ministry, which might involve the clerical positions which were held by others previously, or whether it is the question of new appointments which the Ministry might have thought fit to create within the Ministry of Education.

The other point which I would like to raise involves the provincial administration, which now comes under the Minister for Education or the Central Headquarters here in Gill House. This being the case, Sir, I feared, and I still fear, Sir, that unless the Minister gives us a full explanation, some appointments may be made which could be unnecessary, Sir.

Those are the points I would like to make to the Ministry.

Mr. McKenzie: Mr. Chairman, it must be obvious, if the hon. Member would turn to page 22, exactly what this is. What this is was exactly what we have been saying all afternoon. These people have come over from the regions into the administrative and general headquarters of the Ministry of Education. There are no additions whatsoever. When you reach item A4, that is an addition, as you will see explained in 22. All the others are people who have been employed by the Regional Assemblies and are now taken over by the Central Government with no increases, no reductions, no nothing. It is actually stated there for us.

Mr. Anyieni: May I ask a question, Mr. Chairman? The question is—

Mr. Ngala-Abok: Mr. Chairman, is it in order for the Chairman of this House to allow a Member to go ahead with his speech when he has not caught the Chairman's eye in the first place, but on rising he starts speaking and the Chairman accordingly allows him to continue?

The Chairman (Dr. De Souza): But Mr. Anyieni caught my eye Mr. Ngala-Abok. It is you who must sit down.

Mr. Anyieni: I am sure, my hon. friend would also like to speak.

The small question I was asking, Mr. Chairman, was that when we approved the original

estimates, did we also approve money to be given for expenses which the regions were going to meet, so that when they were transferred from there to the Central Government, they were not able to be transferred with the money? If we did not approve money then, why did the Government not get money which the Regional Assemblies could have used, so that we would not have to approve an extra amount?

Mr. McKenzie: The hon. Member is absolutely right, Mr. Chairman. Last year we did appropriate certain amounts towards the Regional Assemblies' costs of operation. Over and above that you will remember that they received certain amounts of money which were unknown, from petrol tax and other such things which in the Constitution were direct for the regions for which the Government had no control whatsoever. What has happened now is that the regions stopped being regions at the end of the year. The money which was sanctioned in this House for the regions is still with this House and still with the Treasury. But now that it has become part of the Central Government, we as a Government have to put the estimates forward to show you what the extra is over and above what this House agreed for national expenditure last June. The increase on the national expenditure is a direct transfer of regional operations which have come back to the national Government. At the same time, Sir, a lot of money will come back from the regional machines to meet these expenses.

What the hon. Minister for Finance said was that certain regions had run themselves into financial difficulties, therefore, from certain regions very little money will come back, but I am led to believe that in certain Ministries—I can only talk of my own—there is a fair portion of the money which should come back which is coming back, but in other Ministries it may be different. I think that there is a Vice-President of a region here who could explain this matter even better than I can.

Mr. Ngala-Abok: Mr. Chairman, Sir, I think this is fairly clear as far as the Minister's explanation goes, but I am still in doubt, having seen here that what the Minister is talking about concerns items A, A1, A2 and A3—all this is combined—and the explanation given is the additional amount required to meet the salaries and other expenses of staff working in the regions now taken over as a result of Constitutional changes. I know that the Minister has defined item A1. Now, what I want the Minister to clarify is that at a certain time money was to be sent to the regions but it was held up because the development was intending to cause changes in

(Mr. Ngala-Abok)

the Constitution, and then think in terms of retaining the money. Now, I do not know whether this was the amount which was retained, which would have been sent during the second part of the financial period when money was to be sent to the regions, because this consisted of two parts, one to go first and then the second lot when the time came, that was the transfer of certain establishments to the regions. Now, I want to know whether this is the exact amount which should have been sent had it not been that the Constitutional changes took place. Also, as I have said, this explanation includes the two items—Mr. Chairman, I do not know whether I could go ahead. Thank you very much.

Mr. de Tiphin: Mr. Chairman, I think we can use the time of the House if we become a bit specific and also stick to the facts as they are.

It is common knowledge to all the Members of the House that due to the Constitution, to changes things had to revert from the regions to the Central Government and this is merely a transference of sums of money previously allocated to the staff for the services of the regions. I think that the Central Government must admit the fact that they underestimated in the estimates of expenditure the amount of money required to run the services of various regions; and the result of that is this Supplementary Estimates. I hope that the Minister for Agriculture will agree with me here when I say that it is true that according to the previous Constitution some moneys were explicitly the right of the regions, that no flow of such money was coming from the Central Government to the regions and that this money was withheld by the Central Government of course, I think the hon. Minister cannot use that as an excuse for the underestimates.

Mr. McKenzie: Mr. Chairman, let us get one thing absolutely clear. The money being asked for here is the money being asked for by the Central Government to continue to operate these services which would have been operated by the regions over this next six months. The Central Government have accepted their estimates. I am told by an official of the Treasury that it is estimated by the Treasury that, in fact, £5,050,000 is considered to be the amount which will come back to the Central Government over this six-month period, and you will see that the total expenditure being asked for is £4.9 million. I am told this by the Treasury officials now, but in fact the amount of money which will come back from the regional machines is £5,050,000 and the expenditure of these estimates is £4,900,000.

Mr. Malloua: Mr. Chairman, there is one aspect of these Supplementary Estimates which keeps on confusing me: The Minister says that this is a transference of services which would have been carried out by the Regional Assemblies and that the money that we are now asked to vote for is additional funds to cover deficiencies in these regions which would not have sufficient money to run the services. Had the Constitutional changes not taken place what would the Regional Assemblies have done in regard to this?

The other thing is this, Mr. Chairman, in this Vote here an additional £617,000 in all is shown; that is the additional amount necessary to run the Ministry of Education. He goes on to say that he understands that there will be money coming from these provinces to the tune of £5,000,000. This figure should have been shown as a savings some where.

Now where is that money shown in the regional estimates to cover the money that we are going to approve?

Mr. McKenzie: Mr. Chairman, Sir, the position is that the regions brought these estimates under the Constitution to the Government and discussed it with the Government, this is, why there was still a regional machine. The Government agreed these estimates to be put through the Regional Assemblies. The Government also agreed the amount of money which over the year was going to be paid to the regions. Right? Now what happened was that when the regional machine broke down, the Central Government had to take over and continue to operate. The Central Government accepted the estimates from the regions. Those estimates had been through the Regional Assembly. What we are now doing is putting half those estimates, because half the money has already been spent, through this Assembly, and asking Members of this House to agree to it. At the same time the Treasury have told us that under the old machinery of obtaining methods of getting money to give to the regions the money will, in fact, amount to about five million and fifty thousand pounds. Had regionalism continued Government maintained that they would have had five million and fifty thousand pounds to meet this expenditure which totalled only four million and nine hundred thousand pounds. So what is going to happen eventually is that the Minister for Finance will bring to this House the ultimate account of each of the regions that you will know which the financial position was when the regions were stopped being regional authorities. But this will take some time as all accounts do. Meanwhile all these services have to continue and all this

[Mr. Khalif]

Mr. Chairman, if the reason of refusing to give us the breakdown is that this money is going to be spent in one particular area and that all other areas will be overlooked, then, Sir, we shall not only move a reduction of £1 but we shall even go further and think of rejecting the whole issue.

The Chairman (Dr. De Souza): I would like to make one point clear: while I said that the Minister has explained that this was merely a mathematical entry, I was not saying that Members are not entitled to a breakdown. They certainly are entitled to a breakdown whenever they want one. The only thing I suggested is, that in view of the fact that there was no change in policy and no change in expenditure which had already been passed in the Budget, except a book-keeping entry, then perhaps Members would feel that as they had already passed it in the Budget, and it was now only a question that instead of one department, the regions, spending it, the Central Government was going to spend it, they would proceed with it. However, hon. Members are, of course, entirely free to decide how they want to pursue the subject.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, hon. Members are absolutely entitled to what they are asking for. These, and I do not think we want to become confused, items have never been before this House before. These items in that first six-month period went before the Regional Assembly. This money is not being expended by us, the Government, in the second period of the regional financial year. Therefore, we have never discussed these. The policy was a policy which was laid down in Regional Assemblies and which we have inherited half-way through the financial year; therefore, in my opinion—I would like your guidance on this, Mr. Chairman—Members are entitled to ask where the money is being spent, what school, what hospital, what agricultural college, etc., and what I would like to ask the hon. Member who moved the reduction of £1 is whether he would be prepared at this stage for us to go on with another Vote, which would give the Minister time to get the information which is required. Now, had this been more of a supplementary in June last year, this would be a completely different matter and I would then suggest that hon. Members were going too far. But, this is something that this House has never discussed; therefore I think that perhaps they are correct, and if the Minister would be prepared to do this, I am sure the Minister could obtain the information for him; because it is not good our going on like this when the information is not available.

Mr. Anytani: Taking the advice of the Minister, he is not asking me to withdraw my Motion to reduce the £1, he is actually asking me to hold on. Now, if that is the case, we do not want, for example, to come—we are not on "G" and we hold on to that one, then we come to "J" and we hold on, then we come to "K" and then hold on. No. If this is to be accepted then we must leave everything which has got to do with the Ministry of Health and Housing and come back tomorrow.

The Chairman (Dr. De Souza): I would like to make this quite clear: that it is an unusual practice generally for us to keep on moving from Vote to Vote half-way through. This has been the second Vote and, in fact, we have not finished the President's Office yet, which we left half-way through. This would be the second time, but as I see that hon. Members are quite prepared to accept this, we would accept it. In future, however, I would like to finish the Votes as we go through them.

An hon. Member: A point of order.

The Chairman (Dr. De Souza): A point of order?

An hon. Member: This is, I am sure, a mistake for the Minister to come here without details and without breakdown of things which he knows we are entitled to have. Then, Mr. Chairman, are we not entitled to ask that he leave his post for another?

The Chairman (Dr. De Souza): Well, it has already been agreed that we are going to do this, so there is no need to raise it on a point of order.

(Consideration of the amendment by leave of the Committee was deferred.)

The Chairman (Dr. De Souza): I now go to Vote 16—Ministry of Education, Head A1, Personal Emoluments.

VOTE 16—MINISTRY OF EDUCATION

Head A1—Personal Emoluments

Mr. Gichoya: Mr. Chairman, Sir, I would like to know why we have been incurred or why there is a need for an additional £13,600, in this Ministry so far as Personal Emoluments is concerned. So far, I know that we got one additional Minister. I would like to know exactly whether this is money meant for the Minister's income or salary, a person who is an Assistant Minister or if it could be the practice of the Ministers to have two personal secretaries, three personal

[Mr. Gichoya]

secretaries and then, of course, come and tell us they want money to finance these personal secretaries. Has there been an addition to the staff within the Ministries when we took over or when we became a Republic? That is one thing, Sir, whether it is on the clerical side or whether it is on the political employer's side, that is the Minister, Assistant Minister, or additional distribution of provisions in the Ministries.

Mr. Chairman, Sir, there has been a kind of practice by Ministers to create additional positions to appease their political supporters and for that matter to give employment to their personal friends. This has happened and we know for certain that these things are taking place. I would like to know exactly whether this amount which costs so much, more than half the usual amount or nearly half the amount which was needed—

Mr. Bala: On a point of order, Mr. Chairman, the hon. Member has just made a very serious allegation that Ministers are increasing the amount of money needed in order to employ their friends.

Mr. Oduya: Oh, shut up.

Mr. Bala: Would he kindly substantiate that allegation?

The Chairman (Dr. De Souza): You will kindly recall, Mr. Oduya, that I made it a point, and turned you many times that this type of language is not to be used in the Parliament. If I have to bring it up again, you will have to leave this Chamber. I do not see your point of order, please, Mr. Bala.

Mr. Bala: The point I was trying to make is that the hon. Member Mr. Gichoya, made an allegation that Ministers are trying to increase certain amounts by way of Supplementary Estimates to employ their friends, and I think that allegation is very serious. As such, we would like to know if Mr. Gichoya could substantiate his allegation. What sort of friends have been employed by certain Ministers?

The Chairman (Dr. De Souza): We are only discussing personal emoluments in the Ministry of Education, Mr. Gichoya. You are making an allegation about the Government, and it is quite out of order. You are not making any specific allegation?

Mr. Gichoya: Just general, Sir.

The Chairman (Dr. De Souza): You are either to say something about personal emoluments or be quiet.

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Mr. Gichoya: I wonder whether the Member would be rather embarrassed if I brought in some cases which perhaps—

The Chairman (Dr. De Souza): Now, are you discussing the Ministry of Education?

Mr. Gichoya: Yes, the Ministry of Education.

The Chairman (Dr. De Souza): Mr. Gichoya, you must substantiate the allegation that Ministers employ their friends.

Mr. Gichoya: But now, in that case, Sir, I would like to mention other Ministries than the Ministry of Education.

The Chairman (Dr. De Souza): No, we are only discussing the Ministry of Education. I have made this fact clear, Mr. Gichoya, that when we discuss an emolument in a Supplementary Estimate, we are only discussing the extra amount being spent on this. We are not discussing general conditions of the Government in any other Ministry, and if you do not follow my ruling you will not be called upon to speak again and you will be asked to sit down. Please do not abuse the ruling on every occasion. You must restrict yourself to Standing Orders. There is no point in standing up and speaking on something that is not coming up here, we are discussing Education. If you are now discussing, in your speech, some other Ministry, that is quite out of order. You should know this by now. You have been a Member in this House for some years.

Mr. Gichoya: Mr. Chairman, I think, as a matter of fact, we should discuss other Ministries.

The Chairman (Dr. De Souza): We are certainly going to discuss other Ministries, but for now we want you to give us an explanation of this Ministry.

Mr. Gichoya: I said one thing about Personal Emoluments, and I want to get a clarification from the Minister concerned on this, but it was in keeping with the old practice.

The Chairman (Dr. De Souza): No, no, you did not say that. You made a very clear statement that the Ministers employed their own friends, and it must be applicable to the Ministry of Education and you must either substantiate that the Minister for Education has employed his own friends, and they always come to ask for extra money. If you cannot substantiate, I must ask you to sit down.

Mr. Gichoya: On a point of order, Sir, you must allow me to explain my point in that particular—

[Mr. Mallada] the statistics in his hand. Can we not ask him to let us have more facts?

The Chairman (Dr. De Souza): You can only request the Minister or any other Minister to give you facts but if he feels that they are not for public use or that for some reason or the other he cannot divulge further facts and figures then I am afraid I cannot force him to do so.

Mr. Khalif: On a point of order, Mr. Chairman, is it my understanding that the reduction in the proposed Vote is only with regard to maintenance and upkeep of medical establishments? Or, alternatively, does this amendment for reduction cover the whole Vote?

The Chairman (Dr. De Souza): Yes. The amendment, as such, is proposed on the whole Vote which is that the reduction is proposed as far as the whole Vote is concerned, that is, Vote 15. In fact, we are here only allowed to discuss item G.

I would like to repeat what I said earlier on: we are only allowed to discuss whether in fact we agree or do not agree to give the extra money that is in fact being asked for. We cannot ask that more money should be spent because we are not satisfied with the amount of money being spent. That is something different. The Government is asking to be allowed to spend the sum of £40,790 and we can discuss that item only, not any other item that we think should be spent but for which the Government has not in fact allocated money. That is something which can be discussed under the Budget time, not now. If any hon. Member decides to speak on that I will ask him to sit down.

Mr. Ngata-Abok: Mr. Chairman, on a point of order I would like to make a reduction of £1—

The Chairman (Dr. De Souza): That has already been discussed. We are in fact discussing a Motion for the reduction of £1.

Mr. Ochwada: On a point of order, Mr. Chairman, it is in order when we are discussing these Supplementary Estimates to advise the Government on issues where we think the Government could have done more than it has done?

The Chairman (Dr. De Souza): I sympathize with hon. Members who would like to use this occasion to discuss the whole Ministry of Health, but that is not allowed under Standing Orders. Under Standing Orders we should, in fact, normally have completed the Supplementary in three or four hours whereas we have taken two days on it. I have been very lenient with hon.

Members because I know hon. Members want to speak on this. However, I do not think they should abuse the leniency. We have Standing Orders and we have to abide by them. Mr. Gichoya and Mr. Odiya have gone very far beyond my ruling and I am now going to be very strict. I will insist that hon. Members must speak only to the additional item proposed.

Mr. Ochwada: On a point of order, Mr. Chairman, since we are not given details of the items on which these amounts have been spent how can we decide whether the amount is justified?

The Chairman (Dr. De Souza): That is for the Minister to decide, whether he wants to give or not give details. We cannot force the Minister. If Ministers do not give further details and if hon. Members stop speaking perhaps we can put this to the vote. This is as much as I can do; I cannot force any hon. Minister to give details; he does not wish to disclose.

Mr. J. M. Kariuki: Mr. Chairman, I would co-operate with you on your decision.

This Maintenance and Upkeep of Medical Establishments means that there are some establishments on which quite a lot of money has been spent, and which ought to be kept properly maintained until June when we come to debate the Budget. However, we would like to ask the Minister, Mr. Chairman, whether he would be kind enough to tell this House which establishments are going to be maintained with the £40,790. We would also like the Minister to explain to the House what he has done with some new districts where there have never been such establishments in the past, whether this amount of money will maintain and upkeep these establishments, whether they are going to be used in the known way established for medical services. This would be very important and we would be happy if the Minister could try to explain this to the House.

For the future, Mr. Chairman, we feel that this is an African Government and as such it is high time we tried to conduct ourselves as an African Government. Most of the Members would like, when such a thing as Head G is put, to know whether the Ministers would ask their Permanent Secretaries or any other persons concerned to explain a little more to the Minister so that he can then come and pass this information to the House. Some of these things were decided say four or five years ago and hon. Members are confused with the present position and would like further explanation. If it were possible for the information to be elaborated on that this is maintenance, upkeep of this or that, in the

[Mr. J. M. Kariuki] regions or in the districts, all this information would be most welcome. This will enable us to understand how the money is being spent and will, at the same time, save the House a lot of time because Members will not ask unnecessary questions for further information.

As far as I know this is what has been followed in the past and we feel that our own ways of thinking. Mr. Chairman, we would not like to waste a lot of time discussing such an item if we have had further information giving us a simple and clear picture.

Mr. Gichuru: I agree entirely that if people cannot understand this kind of presentation of the estimates, we ought to try and simplify it as much as possible so as to make it clear because there is no point in trying to confuse anyone. The whole idea is that everybody should understand. However, you will appreciate that if we were to analyse and give details of each item then we would have a book about twenty times this size. We shall also be spending a little more money now or less unnecessarily.

If the Members would turn to page 19 and note what is stated at the bottom, they will find it says: "All the expenditure involved, results from the necessity of the Ministry to take over Regional Health Services with effect from 12th December, 1964, as a result of recent Constitutional changes." The thing is this, although these health services have to be taken over by the Central Government there has not been enough money coming along and, therefore, it has necessitated the Central Government finding money, hoping that it due course money will be forthcoming from the regions. In some cases, it may never come and I may have to come and tell you that these are bad debts from various county councils. This is a bad thing as far as money is concerned and, therefore, if this Supplementary Estimate does not provide new services, it does not mean that we are going to build, between now and June, new health centres or anything which has just been mentioned. This is all to ensure that we keep up the standards as they should be, particularly in those areas where the standards have gone down because of lack of finance.

The Chairman (Dr. De Souza): I think in view of what the Minister has said, maybe hon. Members will be kind enough not to pursue the subject any further. He has made it quite clear that in fact all that is asked for under this Head is in fact a book-keeping entry change. What actually was being spent by the regions is now going to be

spent by the Government. However, there is no point as far as I can see to pursue a question on policy, and in these circumstances maybe we could go ahead.

Perhaps the hon. Mr. Anyieni is willing to withdraw his Motion. It is quite clear that the Minister said that it is merely a book-keeping entry that is being changed; there is no change at all as far as the policy or expenditure is concerned. It is exactly as it was before.

Mr. Anyieni: With all due respect to your advice to the Members, Mr. Chairman, I think we demand in general for the Minister to explain to us, briefly, in various places what he is trying to do in the form of maintenance and other things. I think he has the figures with him so he can explain all this. Without this information how can I withdraw the Motion? There is no point in that.

The Minister for Health and Housing (Mr. Otiende): I am doing absolutely nothing. In fact, the very money asked for I do not want. I have not come to you for money, I still have to come to you for money and that will be done in the Estimates.

You are only being asked to rescue the local authorities and the private hospitals or missions which cannot be maintained for lack of cash. This money is being asked from you to carry on the services so that people get medical facilities and we need not close down any hospitals. It would be a very bad day if we ask hospitals to close down because county councils or missions have no money.

As you have been told, we are taking over responsibility which belonged to the regions up to 30th June. After that date the policy will have to be made by you, whether to support these hospitals or whether to close them down. Therefore, I cannot give you a further breakdown. This is a total estimate of what is backing so that the medical services can be maintained.

Mr. Khalif: Mr. Chairman, it is extremely unfortunate that although the Minister has been repeatedly asked to give the breakdown of £40,790 he has not done so. Instead he has been telling us about a different thing altogether. Now, Mr. Chairman, there has been a tendency of various Ministers, especially after this change of Constitution, to come here and ask for additional amounts of money and giving as a reason the fact that there was a regional take-over. We, in this House, are not in a position to approve a single cent when the Minister himself is very hesitant to give us the breakdown.

Mr. Gatuguta: I do agree with you, Mr. Chairman, on this ruling, but I was only coming to the point as to why we are asked to vote £40,790 for the maintenance and upkeep of medical establishments. We would like to know, Mr. Chairman, how this money is going to be spent. Now, as you can see, Mr. Chairman, the original estimate in this item was £152,000 and £152,000, Mr. Chairman, has been spent in less than a year. We are asked to vote extra money, to the tune of £40,790.

Now the question we are asking ourselves is: how is this money being used, if the maintenance and upkeep of hospitals is not as good as could be. I feel, Sir, without going very far on this, because you have made a ruling, that the Minister ought to tell us what is happening in these hospitals, how that money is being spent. Are we voting money in this House and then it is just pocketed by some people working in the hospitals and nothing is done? We would like to achieve the improvement of the medical standards of the hospitals in this House.

Mr. Gichoya: Mr. Chairman, Sir, my remarks are more or less on the lines of the remarks which have been made by the other hon. Members; that is, why on earth should we be so extravagant as to allow the money of the nation to be spent when the services for which we are paying are so unsatisfactory. I had better make it clear why I say they are unsatisfactory. Now we have a hospital, one of the oldest hospitals in Kenya, and that is Kerugoya hospital. Apparently up to this moment, Mr. Chairman, the people of Kirinyaga and the nearby districts who otherwise could get—

The Chairman (Dr. De Souza): Mr. Gichoya, I am sorry, but you have heard my ruling. If every hon. Member is going to come here and speak about the hospital in his district, and then say, "The hospital in my district is very bad, therefore I am not going to agree to any extra," we are not going to get very far. You have the ruling and you must abide by it. I am very sorry. I realize that every hon. Member would like to say something about his district hospital, but we have got to restrict ourselves to the Supplementary Estimate and not try to get round it. Otherwise, we are not going to finish this. It is not a Budget debate, it is only a Supplementary Estimate in Committee of Supply.

Mr. Gichoya: Yes, Mr. Chairman, I agree with the ruling of the Chair. I feel personally that we are very much dissatisfied with the functioning of the Ministry of Health. Now we are supposed to pay £40,790 additional money to the previous

amount which we voted for the Government to spend. I feel Sir, that it would be very unwise on our part when we do not know what we are maintaining. Are there additional services which have been introduced in existing medical institutions or is merely money to feed the group which already exists, when we have already calculated the necessary money nicely and given them enough money to maintain their establishments properly for the whole financial year or does it mean that there are additional places which have been created within this year's period? Now if that is so, Mr. Chairman, Sir, I still have a question that in certain places—and I was trying to mention a specific case, the hospital at Kerugoya—there are no X-ray units, for example. We have to send cases from Kerugoya up to Nyeri. Whenever we give Government money for its expenditure on medical establishments, it is up to the Government to consider establishing certain facilities in places which are very remote. They are perhaps remote from civilization, if civilization means the centres of provinces or the national headquarters, that is, Nairobi.

In certain places which are very remote, as in Busia, for example, because I have been through there and I have seen it, I think it is advisable. Sir, that whatever we give to the Government should not only be concentrated in the area which are better off, places which have private doctors surrounding them—like the Kiambu District, which is lucky because of its environment and has quite a number of medical facilities—and yet of course, the Government, to be fair to all has to do something for that same area. But personally I feel that if we are going to give money to the Government, the Government should look at places which are badly served by medical facilities, such as the Turkana area, Kirinyaga, Embu, Ukambani and the like, and West Pokot, as people say. These are places which are remote from the modern influences. A hospital patient is a privilege to a particular (Inaudible)

We are trying to get more doctors to deal with the patients.

It has been a tendency that a place where a Minister comes from is always given first priority in terms of services. I can substantiate that one fully. I can give the Minister concerned facts and figures. I put a reply to him in writing to tell him what the percentage of patients in Kiambu Hospital was for one financial year, and how many doctors there are—

The Chairman (Dr. De Souza): Mr. Gichoya, I hate to interrupt you again, but you have heard my ruling. We are not discussing relative

(The Chairman) expenditure in the different areas in Kenya now, as we are only discussing a Supplementary Estimate in Committee.

Mr. Gichoya: I wish to discuss conditions in various hospitals.

The Chairman (Dr. De Souza): I know, but if we start going on as you are now going on, we will never finish. I have explained to you that we are not on a Budget debate. We must restrict ourselves only to the extra expenditure that is being discussed. What you are trying to say is that more money should be spent on certain hospitals, and I would sympathize with you very much, but the point is that if every Member starts standing up and saying that he wants more money because his hospital is not very good, that is not a Supplementary Estimate in the Committee stage.

The Minister for Finance (Mr. Gichuru): On a point of order, is it not the normal practice that when the Chairman speaks, the hon. Members should sit down.

The Chairman (Dr. De Souza): Yes, it is. I do not want you to restrict yourself. Ask a question if you want to clarify what is the expenditure, but do not bring a whole speech about it.

Mr. Gichoya: Mr. Chairman, Sir, I would like to know from the Minister whether this additional amount is meant for additional salaries in various districts, additional payment, or for additional doctors in places where we do not have doctors?

Mr. Makone: Mr. Chairman, would it be in order to ask the hon. Minister to explain to the House or to give a breakdown of what he wants to improve and the things he wants to improve?

Mr. Odoya: Mr. Chairman, I also rise to find out from the Minister—Mr. Chairman, I think the amount required here is unnecessary, because the Minister is here to explain to the House exactly why this money is wanted, and if it is wanted, which areas receive this money. As far as I know, Mr. Chairman, all of us are taxpayers, and we would all like to see some honesty of purpose by the Government of this country. If some people are going to suffer, it is going to be a serious thing altogether, so before we are asked to approve this amount of money we would like the Minister to tell us that this money will be given to support the private hospitals, missionaries, health centres, and clinics. He did say that this money would be given to the headquarters of the nation. Then, if the Salvation Army wanted

money, they would give to the Salvation Headquarters, and if the Anglican Church wanted some money they would receive it, as would the Catholic Church.

Some years back, these centres used to get money from the Ministry of Local Government, through the county council, which was responsible for the health centres, but now changes have been made, and I would like the Minister to see that when we deal with such a large amount of money, it should not be confined only to advanced places, or places which only require some modernized standards. All we want, when we have an amount of money as this, is that the Minister should know exactly how it is going to be spent, before asking for such an amount of money.

Mr. Chairman, at the moment I find that the Minister asks for money before he knows which are the needy health centres or missionaries hospitals. In order to avoid criticism in the House by individuals, he should know some details. Now, we have this problem at Busia, if I can quote, at the moment the question of Amakura Health Centre. I am trying to find from the Minister whether he could help this centre, because it is the only centre which is serving the whole of the Southern Division of Busia. This sum is, for maintenance, and this is a lot of money. Now, if this money is only going to be used in Nairobi and other districts, and Busia is not going to get a single cent—

The Chairman (Dr. De Souza): Mr. Odoya, you are speaking for the second time on exactly the same point, and you are beginning to repeat what you said a few minutes ago.

Mr. Odoya: Mr. Chairman, if you would not interrupt me—

The Chairman (Dr. De Souza): It is not right for you to disregard the ruling of the Chair, and come back and say the same things over again.

Mr. Odoya: Mr. Chairman, I was only elaborating on that point. However, there are some other things I would like to ask the Minister.

The Chairman (Dr. De Souza): Yes, you may do so but if you repeat this matter again I will have to ask you to sit down.

Mr. Odoya: I want to know the amount of money that has been advanced out of this money. Otherwise I will reject the Vote.

Mr. Mallada: On a point of order, Mr. Chairman, several Members have spoken and shown their dissatisfaction with regard to this particular item and all the time the Minister is holding

[Mr. Odoya]

Clinic Centre which is a missionary clinic centre, and also Elimangina and Balouga. So what I am trying to find out is whether these missions, health centres, run by missionaries, are going to be aided with this amount of money here?

Mr. Odenda: No, what happens is this. The missions are not aided on the basis of each health centre; the headquarters of the mission gets a lump sum and then it divides the money between all its hospitals. Each mission, whether it is Catholic, Protestant, Church of Scotland, whatever it is, gets a lump sum from us; we do not give the money from here. What we are going to do with the money this year is to help them a bit more than before because there is the danger of these hospitals closing down. My Ministry thinks that this House should be magnanimous enough this year to help these hospitals not to close down. This concerns not only these mission hospitals but other private hospitals. Unless we help them this year we may find the medical services will drop, so this money—the hon. Member is quite right—is to help these hospitals.

Mr. Anyieni: Mr. Chairman, Sir, I beg to move a reduction of £1 on G—Maintenance and Upkeep of Medical Establishments.

The Chairman (Dr. De Souza): You are moving a reduction of £1 out of the whole of Vote 15?

Mr. Anyieni: Yes, Sir, I beg to move that Vote 15—Ministry of Health and Housing, be reduced by £1 from £437,000 to £436,999.

The reason why I am doing this, Mr. Chairman, is that it will be remembered by those Members of Parliament who spend most of their time in this House when there is a session, that one time last year a Member from the Kisii District asked a question as to why there was only one hospital in Kisii District. The then Parliamentary Secretary to the Ministry of Health informed this House that Kisii District had several hospitals. He mentioned Nyamba, Ogembe, Nyamagwa, Nyambururu, Kamaambo, Kindu Bay and so on and so forth.

Mr. Chairman, when I asked the Parliamentary Secretary to explain to me the meaning of hospital as opposed to the meaning of the word dispensary, the Parliamentary Secretary was so rude as to tell me that he was not here to explain or to define the meanings of words like this to a Kisii who did not understand enough English. Now, Mr. Chairman, as you will remember later on, I raised a Motion on the Adjournment and the Minister then, who unfortunately is not here, later apologized to me for the incorrect reply which I was given by his Parliamentary Secretary.

Now, Mr. Chairman, in this I would like to know whether Government has taken any steps because if they were to maintain—there was a lot of information which I brought to the Government's notice and I informed Government on that day that there was a mortuary and there was a place where people could buy meat, and it was so filthy that flies flew from this place to the place where people were buying meat. But up to this time, Mr. Chairman, when I have been to this place again I have not seen anything being done about it.

In addition, the hospital, which caters for South Nyanza and Kisii, is so small up to this time that sometimes on the floor and you know how uncomfortable it is for a needy mother such as that. Mr. Chairman, you also have got in this hospital, which caters for two districts, containing more than a million people, the situation where no nets are provided. It was so interesting the other day, Sir, when we asked a question here the Assistant Minister informed us that mosquito nets were poisonous in hospitals and that is why they were not installed in these places. I would like to understand the correct Government policy, as to whether it is Government's policy to maintain institutions which were placed in such a way by the Colonial Government as to make them dangerous to the people using them.

We would also like to know in this hospital I am talking about—I do not think it is only this hospital, either, I think these things are typical of many hospitals, but I am only talking about the one I know. You find that a person who is very well dressed when he goes into the hospital, he goes there and he starts wearing rags and rags that are torn. They look so ugly and very many of them are so dirty. For example, if you go to the National Hospital here you will find the uniforms there quite good. How is it that if all these services are being rendered on the same pattern we cannot have good and attractive uniforms elsewhere? The Government must realize, Mr. Chairman, that even if you are very well, even if you are not sick, if you wear very dirty clothes it makes you feel bad, almost sick. Many people going to hospitals now do ask that they be allowed to maintain their own clothes when they are in hospital, which is not compatible with medical practice.

I do not want to take up much time because I am sure that there are some other Members here who would like to complain to the Ministry. Now there is no-point in the Minister coming here to tell us he wants more money for the upkeep and maintenance of medical establishments.

[Mr. Anyieni]

which are so filthy to look at. After all, I am which is so filthy to look at. After all, I am of the opinion that if there is a place which is to be kept as clean as possible, it is a place where people are being treated. But if we are going to have a place where this is not done, then we cannot be satisfied.

Secondly, Mr. Chairman, we have got a lot of mosquitoes in this area. Now I do not want to repeat myself but I would like to receive a reply from the Minister because this hospital caters for South Nyanza and Kisii and you will find that in the lowlands there are a lot of mosquitoes. The Government is doing its part to try and destroy the mosquitoes but they have not yet got rid of the mosquitoes. So you have a lot of sick people from the lowlands coming to Kisii hospital which is the highlands, and you have also some mothers who want to deliver, some people who come with different diseases, they all come to the same hospital. They are treated for the sickness which brings them there, they recover; and then they are attacked by malaria, which is transmitted by mosquitoes.

Now that the Minister is here, I would like him to have the chance of informing the whole world that the Kenya Government does not believe that mosquito nets are poisonous, because this gives a very bad name to Kenya in the eyes of the rest of the world, not just to the Kenya Government but to the Kenya Ministers. The world starts to wonder whether the person who is appointed Minister or Assistant Minister in the Ministry of Health actually knows what mosquito nets are.

Mr. Chairman, I would like to say that without trying to criticize my hon. friend I would like the Minister now to be able to tell us what improvements, what one single improvement, he has made in Kisii hospital, or what the Ministry intends to do in Kisii hospital within a specified time.

(Question proposed)

The Chairman (Dr. De Souza): Before hon. Members carry on speaking, I would like to make one thing clear. In supplementary estimates, we do not discuss the whole policy of hospitals or the whole policy of particular departments, because if we did, this would become another budget discussion. All we are, in fact, trying to discuss is the details of the extra money asked for and whether, in fact, we are willing to give this extra money. This is the point, we must restrict ourselves to the additional expenditure. I do not want us to go back again and start discussing the whole of the Government departments. That will be allowed when we have the

Budget which I think will be in a couple of months' time. We can then discuss the policy of any particular Ministry we want, as fully as we want.

Mr. Malinda: Point of order, Mr. Chairman. That is quite all right but how can a Member, how does this House, show their unwillingness to pass any additional expenditure, such as this one. Now, for instance, according to my friend here, Mr. Anyieni, this extra expenditure is unjustified because Government has not made any improvements to Kisii hospital. Now what is open to this House, not to pass the money that is required?

The Chairman (Dr. De Souza): Well, I can hardly tell hon. Members what is the way not to pass money. But you could vote against it or you could propose a Motion, as Mr. Anyieni has already done, that the money should be reduced by £1 or propose a Motion that it should be reduced by a bigger amount. I am not advising hon. Members to do this; I am merely telling you what you could do if that is what you want.

However, the main purpose here, as far as I am concerned, is to get the information you want before you decide what to do.

Mr. Gatuguta: Mr. Chairman, Sir, you have ruled that we cannot speak on policy matters on this subject. It is very unfortunate, Sir, because there are a lot of wrong things happening in the hospitals in this country; and when we are asked to approve this money, we are hesitant in approving it because we feel that the money we approve in this House is not being utilized in the best possible way.

I have myself been in the Kenyatta National Hospital several times, taking patients there, and I have been horrified by the state of affairs in that hospital. The hospital itself is dirty, in the first place, and the patients in that place are not carefully looked after. They do not get clean clothes and they do not even get the best type of food.

The Chairman (Dr. De Souza): Mr. Gatuguta, after having said that I have made a certain ruling, you are now proceeding to disobey that ruling. I must explain to you that this is not my ruling, it is Standing Orders. They say that under supplementary estimates you can only discuss supplementary estimates, not the whole Government department. We can only discuss that particular additional expenditure that is being asked for, and whether, in fact, the House wants to allocate it or not. You cannot discuss the whole policy of the department concerned.

[Mr. Oduya]

and we also have a small one at Malanya for maternity use, there is also one at Mankinya for maternity use and treatment. We have also—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, on a point of order, are we not dealing with personal emoluments? Is the hon. Member not getting into the one we are still to deal with?

The Chairman (Dr. De Souza): Yes, I think you are asking Mr. Oduya about the question of a doctor in Busia District and whether the additional money will cater for that expense, which is in order. But I think we should wait to hear the answer to this one first. The aid will come later.

Mr. Otende: Mr. Chairman, it is very, very easy, if I may explain what has actually happened. What has happened is that under the old regional system, the old Western Region undertook to maintain certain services, but as the Constitution has changed most of this expenditure shown here is the result of the necessity of my Ministry to take over the Regional Health Services from 12th December 1964, until the 30th June 1965. It reflects only the expenditure transferred from the region to the centre, expenditure was there. Whether this will involve a new doctor for Busia is still to be seen because, if I may remind the hon. Mr. Oduya, what Busia requires first of all is a hospital. If he looks carefully at the estimates he could see that this requirement is there; when the hospital is ready we shall then provide a doctor.

Mr. Khalif: Mr. Chairman, arising from what the Minister has just said, how could it be that the taking over of the Regional Health Services by the Ministry could amount to the expenditure of £276,735?

Mr. Otende: I can explain, this again, Mr. Chairman.

The salaries, allowances, leave passages, subsistence, the price of medicines, repairs and so on, offices, electricity, postal services and other things come to that total. That is the amount which the region would have spent had it not sent the bill to us.

Mr. Mwanziridi: I understand, Mr. Chairman, that when we discussed estimates in July of last year the grants were given to the regions for their yearly expenditure. Now, when the Central Government took over from the regions, why was that money not transferred from the regions to

the Central Government, or was the money allocated not sent to the regions?

Mr. Otende: I do not actually know whether that was directed to me?

Mr. Gichuru: Mr. Chairman, Sir, what has happened is that many regions have gone bankrupt and we have had to undertake a rescue operation. Some money will come but at this particular moment, unless this money is allocated by the House to rescue the hospitals in some area where the county councils have no money at all it will be disastrous. But I hope that as money comes into the county councils it will be handed over to us. Then we may be able to recover quite a good bit of this money.

(Heads A, A2 and A3 agreed to)

(Heads B, C and D agreed to)

Head E—Travelling and Subsistence Expenses on Duty in East Africa

Mr. Omar: Mr. Chairman, Sir, could we be told here why it is necessary that there should be travelling and subsistence expenses on duty? Does this mean to say that our officers here always go to East African countries and for what purpose do they go there?

Mr. Gichuru: Mr. Chairman, Sir, the hon. Member, I am sure, knows very well that we still have a very large number of expatriates and we need them and we have to give them these facilities. As soon as we replace them by our own people this expenditure will cease.

Mr. Khalif: Mr. Chairman, Sir, I hope that the Minister is not going to say this time that this additional sum is necessitated by the take-over of the General Health Service. Now assuming that has nothing to do with the take-over of Regional Health Services, could we be told what necessitated the additional sum of £11,310?

Mr. Otende: Mr. Chairman, Sir, I do not see how the hon. Member can dissociate this from this take-over. The expenditure is the result of, for example, North-Eastern officers requiring £310 to go on leave, and the others from other areas the total is £11,310. If we did not take over the regions would they pay individually according to the number of expatriate officers they have.

An hon. Member: This is travelling.

The Chairman (Dr. De Souza): We are on E.

Mr. Otende: Yes, inside East Africa.

Mr. McKenzie: Mr. Chairman, Sir, some of this money comes to my Ministry, this is why I

[Mr. McKenzie]

There are various bodies answering this. There are various bodies on the E.A.C.S.O. basis and the which meet, on the E.A.C.S.O. basis and the officers of the Ministry of Health, Ministry of Agriculture and the Ministry of Natural Resources have to visit research centres, which these Ministers are responsible for by travelling to other territories. This is why there is an element in this Ministry and in that Ministry, you will also see it in my Ministry and you will also see it in Natural Resources for travelling on duty outside Kenya into Uganda and Tanzania. For instance, there is a sugar station in Uganda, my people have to visit it. There is also a tsetse fly case in Tanzania where my people have to visit. There is also a medical research centre, I think in Uganda, where members of the Ministry of Health have to go on duty.

Mr. Mallada: Mr. Chairman, Sir, that is all right as far as the Minister for Agriculture's Vote is concerned. The question here is why is there need for an increase in the travelling within East Africa on duty for that particular Vote, because according to what the Minister for Agriculture has explained we will find that in his Vote for travelling in East Africa on duty, there is an item for that purpose, but this is an item in the Ministry of Health and Housing we want to know why there has been the necessity to have an increase of £11,000 over and above the original Vote?

Mr. McKenzie: Mr. Chairman, this does not cover travelling outside Kenya only. This covers travelling on duty within Kenya and outside Kenya, in fact the whole of East Africa. The amount which will have to be spent on duty outside Kenya will not be very big, but they do hold these meetings on a territorial basis and they hold them one quarter in Tanzania, next quarter in Kenya and the next quarter in Uganda, and civil servants have to go to these on duty, and there is the mileage claim and sometimes, to Dar es Salaam, it is by air, but the bigger amount on this will obviously be for travelling on duty within Kenya.

Mr. Omar: Mr. Chairman, Sir, I think the Minister for Agriculture seems to have misunderstood the question which was put by the hon. Mr. Mallada. He specifically asked the Minister for Agriculture why is it that he has stated that sometimes officers of his department do go to Uganda and Tanzania, and there is a Vote in his Department for travelling and subsistence expenses on duty. This one for the Minister for Health and Housing, we would like an explanation from the Minister for Health and Housing.

The Chairman (Dr. De Souza): I think this has been explained. Mr. Omar, because what the Minister in fact said is that there is a similar Vote in his Ministry, this applies to the Minister for Health and Housing, because the Doctors also have to go just as the Agricultural men have to go, I do not think that we will go over and over this again, I think we have had enough of this.

(Head E agreed to)

Head F—Medical and Surgical Stores and Equipment

The Chairman (Dr. De Souza): Do you want to speak on F, Mr. Oduya?

Mr. Oduya: Yes, I would like to find out one thing from the Ministry. As I was—

Mr. Anyien: A point of order, Mr. Chairman. I want to move a reduction. When do I move it?

The Chairman (Dr. De Souza): When the Vote has been discussed, but we are now on a different question.

Mr. Oduya: There is this G—Maintenance and Upkeep of Medical Establishments. What I am actually asking the Ministry is whether this additional amount here is including the aid given to the Amakura Maternity Centre and Clinic, Eimangina and Balouga. If this does not include these places, then I would like to know from the Minister how much does the Ministry give to these clinic centres?

Mr. Otende: I do not think that Amakura would get any money. This Vote, I would say, is only for medical stores and surgical stores and equipment. We do not give equipment to private hospitals.

The Chairman (Dr. De Souza): No, we are discussing F at the moment. I asked if you were asking a question on F and I thought you said that you did.

(Head F agreed to)

Head G—Maintenance and Upkeep of Medical Establishments

Mr. Otende: This is a Vote for our own establishments. That is our houses, our hospitals, all hospitals which come under the Government. The hospitals which are private get a small grant each year which is assessed. It is a small grant and does not come under here.

Mr. Oduya: Mr. Chairman, Sir, the point here, the statement of the Vote, makes it quite clear here for granting aid to certain missions and private hospitals. Now missions mean Amakura

[Mr. Gichuru]

I am sorry, I have forgotten the first part of the question. Can the hon. Member please repeat it?

The Chairman (Dr. De Souza): Would you like to repeat that part of your question, Mr. Anyieni?

Mr. Anyieni: Mr. Chairman, it is understandable that he can forget some things.

What I asked was this: when the Kenya Members of Parliament who were negotiating for Kenya's Independence—It is obvious that I do not have to proceed further because it seems as though the Minister remembers.

Mr. Gichuru: We never discussed the question of pensions. Pensions are a responsibility of this Government and, therefore, this was never discussed. It was left over, because this is an obligation that any Government should fulfill.

Mr. Anyieni: Are we to take it that the hon. gentlemen who went to negotiate for Kenya's Constitution overlooked this fact and now they are asking Kenya taxpayers to pay taxes in order to compensate people who were suppressing us during the time of the struggle?

Mr. Gichuru: Mr. Chairman, Sir, I would like to try and point out that we still have a very big bill on pensions. We pay a lot of this to people who are in the service of the Kenya Government by way of pensions and this item is a very small part of that big Bill.

Mr. Mallada: Mr. Chairman, I have a very small point here. Could the Minister tell us how many more such cases we can expect because, I think this is the third time that we have had Supplementary Estimates in this House and we do not seem to have had any of these previous employees of Government coming up for consideration with regard to their pensions? Do we take it that, as the Minister said we have a big obligation to pay these pensions, now and again we shall be faced with similar cases?

Mr. Gichuru: I sincerely hope we shall have no more. In fact, I do not want to give names here, but some people have tried to get money out of me but unfortunately they have got nothing.

Mr. Anyieni: On behalf of this House, could I ask the Minister then to approach the British Government and find out whether the British Government could now try and pay these pensions and not to demand these payments from the Kenya Government for the people who were here not necessarily to serve the African people but

to serve the régime which had brought them to our country?

Mr. Gichuru: May I remind the House that last year I received by form of grant £25 million from the British Government to enable me to balance the budget and therefore reduce the burden on the taxpayer. Well, if I had to turn round and say, "Thank you very much. You gave me so much money but I am not prepared to pay pension to your people." What would happen?

(Head V agreed to)

VOICE 15—HEALTH AND HOUSING

Head A1, A2, A3—Personal Emoluments

Mr. Bala: Mr. Chairman, I would like to have a breakdown of this Head.

Mr. Gichuru: Mr. Chairman, the breakdown that the Ministry has produced is as follows:—

	£
Coast	65,800
Eastern Province	54,770
Central	68,250
Rift Valley	95,638
Nyanza	21,300
Western Region	22,200
North-Eastern	7,665
Total	276,735

Mr. Bala: Mr. Chairman, I would like to have further breakdown in regard to Nyanza. So far, Nyanza General Hospital is one of the poorest hospitals in Kenya. For one thing, there are no African doctors; secondly, there are no European doctors; thirdly, the type of Asian doctors which we have are the worst type which one might classify as "semi-qualified". So, I would like to know why so much money has been added to Nyanza and why we do not have African and European doctors?

Mr. Gichuru: Sir, this is the Personal Emoluments that I have. I do not have a further breakdown which the hon. Member wants.

Mr. Bala: I would like to have a breakdown with regard to the amounts. If there were personal emoluments, what sort of people were these applied to?

Mr. Gichuru: I am afraid I have no further breakdown of the figures that I have just given.

Mr. Anyieni: On a point of order, Mr. Chairman, is it not in order that we should have the Minister for Health present here so that he can advise the Minister for Finance in order that

[Mr. Anyieni]
the Minister for Finance may not have to tell us that he is not in possession of further facts which we demand to know?

If that is so, then should we not have an adjournment of the House until these facts can be given to us?

The Chairman (Dr. De Souza): I agree with you that perhaps the particular Minister should be present but it is not compulsory. It is for the Government to decide, and for the House to do if it is not satisfied.

I think Mr. Gichuru has the facts now, am I right?

Mr. Gichuru: Not exactly the form which has been asked, because the medical staff, the breakdown of medical staff in the regions, I am afraid I do not have it.

The Chairman (Dr. De Souza): I think Mr. Bala's question was why, despite the fact that you have spent so much extra money, you do not have enough doctors whom he considers are sufficiently trained. That is the point. I do not know whether you can have a breakdown for that, Mr. Bala, because you are asking why it is that the same money is being spent and we still do not have good European or African doctors and we have third-class Asian doctors.

Mr. Bala: Yes, Mr. Chairman. We are now being asked to approve a certain amount of money and I hope that by approving this money we will either have better quality or improvements, but we do not know for what sort of people we are approving the money, and what sort of services will be provided. How is it expected that we should approve money just like that?

The Chairman (Dr. De Souza): It is a type of breakdown for which you are asking.

Mr. Gichuru: Mr. Chairman, this is additional money to complete the financial year and, therefore, when the question of the new financial year is put the posting come up, I think that is when the question could be put.

The Chairman (Dr. De Souza): When the new financial year comes I think you can bring this up.

Mr. Mallada: Mr. Chairman, I think my question is more or less the same as Mr. Bala's, but it is not directed to one particular provincial hospital. My question here is that I would like to know why there has been this additional expenditure, as much as a quarter of a million

points, over and above the original estimates. Why should it be so much more; I should have thought that now that we are going towards the Africanization of Government services and employing more and more local trained doctors and local people who do not have to be paid that extra inducement which was necessary when we had expatriate officers, the costs here should be lower, because the salaries of the medical officers, doctors and sisters, would not be as high as they were when we had to have expatriate officers.

Mr. Otiende: Mr. Chairman, Sir, I think the argument of my hon. friend is a bit flimsy when he says that Africanization is cheaper than when we had expatriate officers. What has happened is this: because of the high degree of Africanization in the Ministry—in fact there is 100 per cent Africanization in some cases—it has cost us twice as much money. The reason being that instead of having one expatriate we have one expatriate and an African understudying him and taking over from him—that costs one and a half times more. Now, this is only temporary and the only thing I can tell the hon. Member is that we will now, after Africanizing like this, notice that the expenditure will go down because we have now reached the end of Africanization. We cannot get any more doctors from Africa in order to Africanize so we are getting foreign doctors to take over. Luckily this will not be at our expense, but at present the reason for the expense is that we have Africanized 100 per cent where we could.

Mr. Oduya: Mr. Chairman, I would like the Minister to tell this House whether this additional amount covers a doctor for Busia District, because at the moment, Sir, we do not have a doctor for Busia District. We have a doctor who is stationed at Bungoma who visits Busia once a week, but we find that in a district like Busia, which is large and which has problems—mosquitoes and what not and so many other diseases—we should have a doctor. This question came up in this House some time back.

I would like the Minister to inform this House whether this amount enables the Government to give Busia a doctor.

Secondly, according to this Vote, the additional amount of money required by the Ministry is intended to give grants-in-aid to existing missionary clinics, or health centres and such like. As far as I am informed, we have some mission health centres at Busia, such as Amukura Clinic which is, of course, very useful for Busia even before Busia was separated from.....

[The Minister for Economic Planning and Development]

bands, instead of Sh. 5,000 we spent Sh. 2,700. Out of the Sh. 20,000 allocated for the buffet dinner, we spent Sh. 17,636/30. For the police ground control, Sh. 3,000, and for miscellaneous the cost rose to Sh. 2,507/60. The total, out of the allocation of Sh. 70,000, was Sh. 46,631/90.

Now, Sir, this is the position on the expenditure side. On the receipt side, and I hope the hon. gentleman who said Nairobi received too much will be listening from the Coast Province, they came to Sh. 8,430/53. They were given Sh. 3,000 to spend, and they only spent Sh. 2,000, and brought in Sh. 8,043. The Rift Valley Province brought in only Sh. 1,835/50. The Eastern Region brought Sh. 3,696/45. Until now we do not know what the Western Province brought in. It seems only to have spent. The Central Province brought in Sh. 1,939/65, Nairobi brought in Sh. 23,400.

Mr. Chairman, this means that expenditure, excess of expenditure over income at that point, was Sh. 7,229/77. Now, already from the activities of this day, £155/45 cents has already been paid into the Kenya National Fund. We are now checking the final accounting because some areas have not quite completed theirs, and this will be made available to the Minister for Finance when the whole thing is completed. As the House will see, therefore, the Government only advanced the money. The Kenyatta Day Celebrations Committee tried to bring in the money to cover all expenditure, and in the majority of cases this was possible. It is not possible to expect in some parts of Kenya that we could get receipts from this expenditure. For example, from the money spent in the North-Eastern Region we did not expect that we would get any receipt from that, because we did not even intend to charge the people for the dinner. Similarly, in Kakamega and in Eldoret we did not expect that we would get many people paying the high ticket fees to go into the dinner, but in places like Nairobi, Mombasa, Nakuru and Kisumu, where people are able to pay to come to the dinner, they were charged, in order to make at least some profit to cover the losses that we would undergo in the remoter and poorer parts of the country. That, Sir, was the spirit of the Celebrations Committee, and I do not think that the Government has suffered any loss.

Mr. Anyleni: Mr. Chairman, I have read with great care the accounts given by the Minister on this money. I have heard of Kisumu only in Nyanza, so could the Minister then tell us why Kisii and South Nyanza were not allotted any money to help them celebrate, as well as other districts in Kenya?

Mr. Mboya: Mr. Chairman, the Members who are questioning this matter are unfortunately the same people who were there when it was decided that the celebrations should be confined to the provincial centres, and Ministers and Members of Parliament were, in fact, advised to participate in their various provincial centres. That is why neither Kisumu nor Homa Bay in Nyanza, or Butere in Western Province, appeared in the list.

Mr. Gichoya: Mr. Chairman, Sir, it is surprising—

Mr. Anyleni: On a point of order, the reply given to me by the Minister almost implies that I was a member of the committee. I would like to make it very clear to the Minister that he must not mislead anybody, because I was never a member of this committee.

Mr. Mboya: I did not suggest that the hon. Member was a member of the committee, but I suggest most strongly that the hon. gentleman was a member of the Parliamentary Group where these matters were approved.

Mr. Gichoya: Mr. Chairman, Sir, I am surprised to hear the Minister stating that he did allocate some money to the Central Province Headquarters, that is Nyeri. Apparently, it seems to the people of Kirinyaga District, and perhaps other parts of the Central Province for that matter, that the arrangements that were made by the Celebrations Committee were made only to suit the Nyeri District. I say that, Sir, because we in Kirinyaga District, and perhaps even Murang'a, I do not know whether they had any representatives on the committee—were not even notified about the arrangements as Kanu workers. I am talking in terms of the Kanu workers, for the information of the Secretary-General of Kanu, and the executive officer.

Mr. Mboya: When were you appointed?

Mr. Gichoya: Before the Republic.

It happens, Sir, that there were no proper arrangements made by the Administration in my own district. We, as party members, had to make some arrangements, whereby people could at least have a Kenyatta Day, and notice that it really existed in the history of Kenya. Consequently, we had to pay for our own arrangements, and nothing came from Nyeri, the headquarters of the Province.

Mr. Khasakhala: On a point of order, in view of the fact that what we wanted to know had already been given by the Minister, could I call the hon. Member who brought to reduction to speak?

The Chairman (Dr. De Souza): Yes, I think it would be in order, and I will put the question.
(Question that the question be now put, put and agreed to)

The Chairman (Dr. De Souza): I will now put the question of the amendment to reduce the amount to be allocated by £1. I do not know whether the hon. Mr. Shikuku wants to withdraw it or wants to put it to the vote.

Mr. Shikuku: I will speak—

The Chairman (Dr. De Souza): No, you are too late, I am afraid. I will only let you withdraw it if you want to, otherwise you must put it to the vote.

I will put it to the vote.

(Question of the amendment put and negatived)
(Resumption of debate on original Motion)

(Head A7 agreed to)

VOICE 12—OFFICE OF THE ATTORNEY-GENERAL

Head A—Personal Emoluments

Mr. Khasakhala: On a point of order, Mr. Chairman, I thought we were discussing Subhead A7, and we would then continue discussing the whole of the Vote?

The Chairman (Dr. De Souza): The other clauses do not allocate any money, so we do not discuss the Government savings of money but only the expenditure. We will therefore go on to Vote 12.

(Heads A and B agreed to)

VOICE 13—MINISTRY OF FINANCE

(Heads A and L agreed to)

Head V—Pension Contribution—Staff Seconded from other Administrations

Mr. Malinda: Mr. Chairman, Sir, I would like the Minister for Finance to explain who this officer was, which department he worked for and why it has taken so long for this money to be paid back. It has taken almost fifteen years. Why has it taken all this time?

Mr. Gichuru: The officer was seconded here from Trinidad and Tobago and under arrangements whereby officers employed by other Governments and Administrations were seconded to Kenya, it is normal for this Government to pay a suitable sum by way of contribution to cover pensions. This was the arrangement as it was then and all we are trying to do now is to fulfil that obligation.

This man was employed here for the period 25th October 1948 to 31st July 1950. We have been requested to contribute towards his pension over that period. This was the agreement under which the Government of that time was working and, therefore, we have this commitment and it is only right and fair that we should fulfil it.

Mr. Malinda: Unless my copy of the Supplementary Estimates is wrong, it says that this officer was employed from the 25th October 1948 to the 31st July 1950. I should have thought that if there was any payment towards the gratuity or pension accruing to that particular officer it should have been paid long before this Government came into power. After all, this officer was an employee of the Colonial Government. Why was this money not paid by the previous Government? It has taken fifteen years for this money to be brought to this Parliament.

Mr. Gichuru: It may have been an oversight but we are still paying a lot of debts that belonged to the old colonial days. As an honest Government we have the obligation to pay these debts.

Mr. Mwanuzandi: Mr. Chairman, I would like to know from the Minister why all this money has to be paid to this officer, who only worked from 1948 to 1950, which is only two years. How could he come to be pensionable within that short period?

Mr. Gichuru: This is only a part of the officer's pensionable period. Arrangements during those days were that people were moved around all over the colonial empire. Thus, if one officer served here for three years and then he went on to another area for five years, when his pension was due to be paid each Government would pay according to that period when he worked in that particular colony.

Mr. Anyleni: Sir, since these servants were agents from the colonial days, people who were sometimes used to suppress the African people who were fighting for independence, could the Minister tell us whether, when they were discussing the Constitution for the Independence of Kenya, they asked the British Government to make sure that it compensated these people when handing over after independence? If they did, could we be informed whether this interest free grant of £60 million which De Freitas was boasting about, which the British Government is supposed to have granted, is true?

Mr. Gichuru: One thing I wish to make clear. Mr. Chairman: I do not think De Freitas was boasting. This was in effect the truth.

Mr. Mutiso: Mr. Speaker, I truly sympathize with the Member on this issue, and since this was purely a technical mistake, there was nothing we could do.

NOTICE OF MOTION ON THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE: 1964 KENYA PRELIMINARY EXAMINATION RESULTS

Mr. Gichoya: On a point of order, Sir, I wish to raise this matter on an adjournment. The reason is that the Assistant Minister is not prepared to give us more information than he has already given us. He sympathizes with the situation, but I think it is high time that I should be allowed, as a Member from Kirinyaga District, to raise this matter on an adjournment.

The Speaker (Mr. Slade): Since the hon. Member has given notice of the intention to raise the matter on adjournment, that disposes of the question.

Mr. Bala: No supplementaries, Sir?

The Speaker (Mr. Slade): No, I am afraid not, because as I have just said, when, in the course of supplementary questions, a Member says that he wishes to raise a matter on adjournment, that puts an end to supplementary questions, and we wait for the discussion on the adjournment.

Mr. Kibuga: I wonder what the position is, because I asked a question, and although we are not objecting to the matter of the Motion on the Adjournment; is it not in order to allow me more time to raise a few questions?

NOTICES OF MOTIONS FOR THE ADJOURNMENT

BAN ON PUBLIC MEETINGS AT MURANGA

The Speaker (Mr. Slade): Hon. Members will recall that I had appointed the close of business yesterday for Mr. Kagga to raise on the adjournment the matter of banned meetings in Muranga. We adjourned unexpectedly and it was not possible for the matter to be raised. I propose now that the matter be raised by him at the interruption or earlier close of business, next Tuesday, 2nd March 1965, if the House is sitting then, as I think it will be.

TENSE SITUATION IN SAMBURU DISTRICT

The Speaker (Mr. Slade): There is another matter of which I have had notice. Mr. Rurumban wishes to raise on an adjournment the tense

situation in the Samburu District as the result of the killing and burning of the Samburu tribesmen by *Shifita* on 17th February 1965. I propose that he should raise that at the interruption or close of business on Wednesday, 3rd March 1965.

Mr. Kibuga: I am asking this question in regard to the future. Supposing an hon. Member raises a point of order to raise the matter during an adjournment, and later on withdraws to allow Members to ask more questions, would it be in order for such a Member to do that?

The Speaker (Mr. Slade): It is a new proposition, but I see no objection; but it is too late for that to happen on this occasion, I am afraid.

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

(The Chairman (Dr. De Souza) took the Chair)

SUPPLEMENTARY ESTIMATE No. 3 of 1964/65—RECURRENT

THAT a sum not exceeding £5,869,219 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 of 1964/65 (Recurrent), having regard to the proposed saving of £969,217 therein appearing (Minister for Finance on 23rd February 1965)

Amendment Proposed:

THAT Supplementary Estimate No. 3 of 1964/65 (Recurrent) be reduced by £1 from £5,869,219 to £5,868,218.

(Mr. Shikuku on 23rd February 1965)

(Resumption of consideration in Committee interrupted on 23rd February 1965)

The Chairman (Dr. De Souza): Hon. Members will remember that when we adjourned on Tuesday afternoon, we were discussing Vote 11, Head A (7), Kenya Day Celebrations, and the hon. Mr. Shikuku had moved a Motion reducing by £1 the Vote on this Motion. I think Mr. Kagga was on his feet when this business was interrupted.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, before we have a debate on this I will explain what I tried to explain last time, but I was interrupted so very much.

Mr. Chairman, that was the purpose in bringing this Supplementary Vote, and the good thing

(The Minister for Finance)

is that this money which is reserved has been paid and when all the money is collected, there is going to be a balance, some of which has already been handed over to the Kenya National Fund. Now, the process was that I took this money out of the Civil Contingencies Fund and handed it over to the Ministry of Home Affairs. The Ministry of Home Affairs now has the money, and all I am asking is the reverse process, so that this money can be taken back into the Civil Contingencies Fund. The question of the use of the money is going to be explained. There are the two points. I wanted to explain why it was brought up like this, that all I am asking is that the money now be returned to the Civil Contingencies Fund, as to how it was used, and the exact amount. I shall ask my colleague, Mr. Mboya, to explain as he was in charge.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir, I hear the hon. Member for Teso East, I think—

Mr. Odaya: On a point of order, is the hon. Minister in order—

The Chairman (Dr. De Souza): I do not think it was the intention.

Mr. Odaya: It was.

The Chairman (Dr. De Souza): He might have been unsure perhaps of the constituency.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir, all hon. Members will recall that it was decided to celebrate Kenya Day but this was a matter that should not be left to the Government but to the Committee that dealt with it. As a result, the Committee found it necessary to ask Government for funds. At the same time, the Ministry of Home Affairs was asked to provide a secretary for the Celebrations Committee. It was decided that some of the money should come from Government for the parades and other functions that were held in the country. However, it was then decided that some of the money from various functions should be given back to the Government to see how much of the money could be recovered. The position of the accounting until 15th January, which is the latest date I checked into the accounting, is as follows, and incidentally, this whole accounting is now being handled by the Chief Accountant in the Office of the President, who is now responsible for public administration.

We gave the following sums of money to the various areas:—

21 Committee of Supply—

Sh. 3,000 was allocated for decorations in the Nairobi Area. We are not at the moment able to say how much of this money was actually used for decorations, but the accountants are looking into it.

Sh. 2,500 was given to the Mombasa people to enable them to make arrangements for celebrations there.

Sh. 2,500 was given to Nakuru Area.

Sh. 3,000 was given to Eldoret Committee.

Sh. 4,000 was given to Embu.

Sh. 4,000 was given to Kakamega.

Sh. 2,500 was given to Nyeri.

Sh. 2,500 was given to Kisumu.

Sh. 2,500 was given to Garissa.

Sh. 2,000 for the hire of Nairobi Stadium for the rallies.

Sh. 1,000 for the printing of admission tickets for the various areas.

Sh. 1,000 for printing of raffle tickets for the various areas.

Sh. 5,000 for the hire of bands that played in the various areas.

Sh. 20,000 to organize a buffet dinner at the City Hall, Nairobi.

Sh. 4,000 for the hire of halls throughout the country.

Sh. 4,000 for police ground control throughout the country.

Sh. 6,000 for radio and television advertisements.

Sh. 500 for miscellaneous expenses.

These were the allocations, and that brings us a total of Sh. 70,000.

Now, Sir, I am surprised to hear the hon. Member for Narok East shouting "None for Narok". He was in the committee, he was co-opted in the committee after representations by him and the President of the Rift Valley Province, and he took part in helping us to determine what amounts should be sent to these various places.

Mr. Chairman, the hon. Member for Teso was also another member of the committee who did not attend most of the meetings.

Now, Sir, I can tell the House how much of this money was actually spent.

In Mombasa they spent Sh. 2,000 out of the money; Nakuru, Sh. 2,000; Eldoret, Sh. 2,000; Embu, Sh. 4,000; Kakamega, Sh. 4,000; Nyeri, Sh. 2,000; Kisumu, Sh. 2,000; Garissa, Sh. 2,000; printing of admission tickets, Sh. 788; hire of

[Mr. Mutiso] schools were built by missionaries and one at Lodwar by the Kenya Government; only this school goes up to Standard VII. They are all boarding schools. Altogether there are 28 classes.

Mr. Ekittlar: On a point of order, Mr. Speaker, which is this (Inaudible.)

The Speaker (Mr. Slade): No.

Mr. Mutiso: Mr. Speaker, if I may continue with my answer. For the information of the House and the Members I would like to say that there are roughly 10,000 pupils altogether in these schools and the places seem to be adequate at the moment. Already there is a concession in that fees are not paid in Standard I and in Standard II and in Standard III alone only Sh. 20 is accepted as fees. The rest of the effort, I should imagine, Mr. Speaker, must come from the hon. Member and the local people.

I should also like to add that there are at least five districts in which there are boarding schools.

Mr. Ekittlar: Mr. Speaker, Sir, does the Assistant Minister agree with me that the policy of the Government is that the people in the country are the ones who should be given the first priority for education, water, electricity?

Mr. Mutiso: I cannot repeat what I have already said.

Mr. Shlukus: Mr. Speaker, Sir, on a point of order, I did not hear the reply of the Assistant Minister to the question asked by the hon. Member for Turkana North.

The Speaker (Mr. Slade): He did not agree.

Mr. Mutiso: I cannot give the exact figures but as it has already been known to the Members that we have a Six-Year Development Plan and it is within this Plan we intend to open up new schools in the areas which are even less developed than the area in question.

Question No. 855

SETTLEMENT FOR TIRIKI, MARAGOLI AND BUNYORE

Mr. Godla asked the Minister for Lands and Settlement if he would tell the House the areas he had earmarked for settlement of people from Tiriki, Maragoli and Bunyore.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. There are no areas within the settlement schemes in the Western Region which are specifically earmarked for settlers from any particular

or specific locations. It follows, therefore, that no area has been set aside for settlement by people from Tiriki, Maragoli and Bunyore Locations.

Mr. Godla: Is the Minister aware that we have over 1,000 applicants who cannot receive consideration for settlement in that particular case?

Mr. Gachago: I am not aware of that.

Mr. Godla: I shall put this to the Minister, is he not aware that we have thousands of applicants, particularly from Maragoli, Bunyore and Tiriki, who do not receive consideration, because there is no place for them to go for settlement.

Mr. Gachago: I am not aware and if the hon. Member could give me cases of applications which have been submitted, but which have not been considered, then I will take them up.

QUESTION BY PRIVATE NOTICE

1964 KENYA PRELIMINARY EXAMINATION RESULTS IN KIRINYAGA

The Speaker (Mr. Slade): Mr. Kibuga, I believe you have a Question by Private Notice to ask the Minister for Education?

Mr. Kibuga: Mr. Speaker, Sir, I have the following question to ask the Minister for Education:—

Mr. Kibuga asked the Minister for Education if he was aware that, when the Kenya Preliminary Examination results came out for 1964, sixteen schools in Kirinyaga District had marks for most of the subjects missing, and that it was not until the papers were returned to Nairobi that some of the marks were found. Also, would the Minister be able to tell the House the number of pupils in four schools who had, up until now, still not received their results, even though other secondary schools in Kenya had opened. Could the Minister also tell the House why application forms for all the girls in Central Province had been destroyed before the headmistresses of the secondary schools had selected candidates for their schools. Would the Minister also tell the House what disciplinary measures had been taken against those concerned.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, this is a very important question, and I would ask for the honour of all hon. Members so that they can hear the reply to this question. I beg to give the following answer. I am sure that the fault really lies generally in the marked sheets, being incomplete or received too late for inclusion in

[The Assistant Minister for Education]

the first results list. Corrected sheets were nevertheless dispatched or taken to the Provincial Education Officers before the end of January and arrangements were made with Provincial Education Officers, so that no child would lose a secondary place as a result of delays.

Secondly, most urgent inquiries were sent to all Provincial Education Officers on the 16th February, requesting immediate information about any school still lacking their Kenya Preliminary Examination results.

Thirdly, the Minister has received no complaint about the destruction of girls' application for secondary education. If the hon. Member will provide detailed information, then an inquiry can be made.

Fourthly, no irregularities have been proved. Officers of the Ministry have been, in fact, most scrupulous in dealing with all the difficulties of which the Ministry has been made aware, because of the number of candidates for the 1964 Kenya Preliminary Examination, which was 103,000. A great use was made of computing machines to facilitate a quicker processing of marks from the marking centres. The mark sheets were printed by International Computers and Tabulators in a form more readily usable by the computer. It was essential, however, that no amendments to the printed sheets were made, otherwise the sheets so amended, could not coincide with the information already fed into the machine. However, Mr. Speaker, Sir, through omissions of candidates' names by headmasters and even changes of school numbers, the markers frequently found themselves bound to amend the printed list. The result was a refusal by the machine to print the block parts. Many of the items amended by the markers were, on the other hand, mistaken by the International Computers and Tabulators during the printing of the lists. This was due to a fault in the machine operating and, for example, duplicating index numbers like 001, 001, 002 and 002, instead of 001 and 002 consecutively; or faulty manual counting of cards to feed into the machines.

Here again, Mr. Speaker, Sir, some markers used their common sense and made alterations resulting again in a refusal by the machine. While these mechanical errors contributed largely to faults in the results, another contributory factor was the delay in sending the marks from the marking centres. Again, there was more than one, because there were a large number of scripts and, as in Central Province, too small a number of markers. This, also, was an obvious cause of delay.

There was also the occasional sending of the wrong subject figures to the markers. While these were the main causes for the delay, a complication arose in getting lists amended, because there was only one copy of each mark list, and that was held by International Computers and Tabulators. So the Ministry could not readily check marks, either from the mark list or from the scripts which were held in the marking centres. The Ministry, Mr. Speaker, Sir, is confident after its success in the 1964 examinations in virtually stamping out leakages, and is now preparing detailed plans for the 1965 examinations, in order to eradicate all the administrative difficulties which have beset the recent Kenya Preliminary Examination. The plans, so far, are:—

- To obtain full entry lists from schools a month earlier than last year.
- This, above, will enable the printed mark sheets to be printed in sufficient time to permit thorough checking at provincial and school levels. Thus, information fed into the machine, will be known to be correct and the marked sheets will agree.
- To decide now on the seating and increased number of marking panels needed to cope with the expected 166,000 candidates.
- To have large examination centres to permit easier and quicker administration.
- To have the marked lists in duplicate, one for the computer and one for the Ministry, so that the Ministry is at no time out of reach of possible sources of error.
- To insist on very careful supervision by the computing staff on any purely manual operation such as the punching of computer cards.

By these means, there is no reason to suppose that, despite 50 per cent increase of K.P.E. candidates in 1965, examinations will not be entirely satisfactory from the point of view of both security and administration generally.

Mr. Kibuga: Would the Assistant Minister agree with me that due to the failure of these results for some schools coming out, some pupils who should have gone to national schools had no chance of going there, because, in the examination, there were three subjects, English, mathematics and a general paper and there was a special paper that was marked only after the other papers were marked and a candidate was shown to be worthy of secondary education. Would he agree with me that some pupils who should have gone to national schools missed their places?

[Mr. Shikuku] they do not think this road should receive priority?

Mr. Mwanjumba: Mr. Speaker, Sir, it is not because the Ministers do not go that way. May I just add something, Sir? Although Ministers may not have visited this place, we have engineers in the province who constantly give us reports.

Mr. Aramant: May we know from the Minister the percentage of trucks that pass on that road, the number of the trucks?

Mr. Mwanjumba: Mr. Speaker, Sir, if I understood correctly, I have said that the development of our roads is considered along with other roads in the country. Therefore, it is not the density of traffic alone which makes the Government think of developing that particular road.

Question No. 887

MINISTRY OF HOME AFFAIRS TO BECOME MINISTRY OF PRISONS

Mr. Kiprotich asked the President if the Ministry of Home Affairs could be now changed to Ministry of Prisons.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, on behalf of the President, I beg to reply: No, Sir.

Mr. Kiprotich: Mr. Speaker, Sir, I seek your guidance on this question. If a Minister is asked a question and then he just comes here and says, "No, Sir," what can be done to such a Ministry?

The Speaker (Mr. Slade): I think an hon. Member who has asked a question wants an answer: "Yes" or "No". You cannot always expect the answer "Yes".

Mr. Gichoya: Mr. Speaker, Sir, arising from the Assistant Minister's reply of "No, Sir," could we know the reasons behind maintaining a Ministry of Prisons in the name of the Home Ministry when it has nothing to do with Home Affairs?

Mr. Nyamweya: Mr. Speaker, Sir, I hope the hon. Member read the statement which was issued by the Minister for Information when he explained the distribution of responsibilities and functions. If the hon. Members read that statement, they would understand that this Ministry does not consist of the Prisons Department only.

Mr. Neala-Abok: Mr. Speaker, Sir, would the Assistant Minister agree with me that this Ministry has nothing to do with all those matters which are known to be Home Affairs, but is only

concerned with prisons and lunatic asylums? Will the Assistant Minister agree to get a Minister appointed for Prisons and Lunatics? How can he have it extended this way to be called the Ministry of Prisons and Approved Schools?

Mr. Nyamweya: Mr. Speaker, Sir, I do not want to agree with what the hon. Member for Homa Bay has suggested, but if I may expand a little, although the Kenya Government does not simply copy the practices of other countries, it is perhaps appropriate to point out that in other countries, especially African countries, the Ministry responsible for the administration of the Department of Probation and Approved Schools is called the Ministry of Home Affairs. Our nomenclature here would, therefore, appear to conform with practices elsewhere.

Mr. Kerich: Mr. Speaker, would the Assistant Minister agree with me that this Government has been unfair in removing all powers from the former Minister for Home Affairs to so many particular Ministries?

Mr. Nyamweya: Mr. Speaker, Sir, could the hon. Member for Belgut repeat his question in a moderate tone?

Mr. Kerich: Mr. Speaker, Sir, may I repeat my question to the Assistant Minister? I said: can the Assistant Minister agree with me that this Government has been unfair in removing all the powers which formerly belonged to the Ministry of Home Affairs to some other Ministries?

Mr. Nyamweya: Mr. Speaker, Sir, this Government has not been unfair.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 887—MINISTRY OF HOME AFFAIRS TO BE CHANGED TO MINISTRY OF PRISONS

Mr. Shikuku: Mr. Speaker, Sir, on a point of order, in view of the most important unsatisfactory fact to Question No. 887 and in view of the fact that the Assistant Minister has tried to hide the truth from this House, I wish to raise this question on a Motion for the adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 889

LAND SETTLEMENT MONEY FOR KERCHO

Mr. Kiprotich asked the Minister for Lands and Settlement, how much money had been allocated to Land and Settlement farmers in Kericho to enable them to run their small holdings satisfactorily.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply.

In the Solik area we allocate, roughly, £6 per acre of development money for each settler, in addition to the cost of his land.

This is in line with development money that we lend to other schemes right throughout the country.

Mr. Abogoh: Is the Minister aware that £6 per acre is not enough for a farmer like that, taking into consideration the cost of labour in these areas?

Mr. Gachago: Mr. Speaker, Sir, in the existing circumstances, we consider £6 to be enough and if we are convinced that it is not enough and we have the money, we could consider raising this amount.

Mr. Soli: Mr. Speaker, Sir, does the Minister mean that this money is for the purchase of the land or for the development of the plots?

Mr. Gachago: Mr. Speaker, Sir, I think that the amount is merely for development, and this is in addition to the other money for the purchase of the land.

Mr. Kamuren: Is the Minister aware that some of the plot holders in some of the settlement schemes are having their plots confiscated just because they have been given insufficient money?

Mr. Gachago: I do not agree with the hon. Member that the plots which have been confiscated have been confiscated merely because they do not have enough money for development. On the other hand, Mr. Speaker, it must be appreciated that there are many, many other settlers besides those whose plots have been confiscated, who run their smallholdings very efficiently with money we allocate to them.

Question No. 891

RACIAL BREAKDOWN OF STAFF: COAST GOVERNMENT AGENCY

Mr. Balala asked the Minister for Works, Communications and Power whether he could give the racial breakdown of the staff of the Coast Government Agency.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply.

Although I am very reluctant to answer this question, which tends to ask Government to breakdown employees in the Government Coast

Agency into racial figures I would, to satisfy the hon. Member's curiosity, tell him that at present there are 17 Kenya Africans, 26 Asians, 14 Arabs and 3 Europeans.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House whether the entire employees of this establishment are Kenya citizens or not?

Mr. Mwanjumba: Mr. Speaker, Sir, I do not think that falls within my responsibility, but if he does want me to supply him with that information, I would do so if he would care to wait a little.

Mr. Somo: Is the Minister aware that a certain Asian who works with the Government Coast Agency and who has been transferred to Nairobi has been replaced by an Asian instead of an African?

Mr. Mwanjumba: Mr. Speaker, Sir, I am not aware of such tiny details raised by the hon. Member.

Question No. 922

MORE SCHOOLS FOR TURKANA

Mr. Ekitella asked the Minister for Education whether the Government was prepared to build more schools in Turkana, so as to raise and expand the standard of education in the district.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The Government is very anxious about the expansion of education in all areas in Kenya. It builds schools, especially secondary schools in all areas, but, where possible, emphasis is always given to the less developed areas. Only in very few districts does the Government run boarding primary schools as they are very expensive and Turkana District is one of these. I wish to assure the Member for Turkana South that the Government will continue to give special attention in educational matters to the less developed areas.

Mr. Ekitella: Mr. Speaker, Sir, I only want two words: "yes" or "no", that is what I want.

Mr. Mutiso: Mr. Speaker, the answer was "yes", Sir.

Mr. Omweri: Mr. Speaker, would the Assistant Minister tell this House what consideration is being given to establishing either a secondary or a primary school in this particular district?

Mr. Mutiso: Mr. Speaker, if I may add to what I have said I would like to state that there are eight primary schools in Turkana. Seven of these

[Mr. Gichoya] that they can guide the various Ministries in the development of each district?

Mr. Mboya: Mr. Speaker, Sir, if Elected Members in any district take the initiative to come together and have suggestions to make, or proposals to put forward about development in their areas, I will be very interested to discuss these ideas with them and to hear what they have to put forward. I do not guarantee that I will accept everything they say, because we will have to determine the whole question on the basis of feasibility and also on whether they are practical in terms of the whole picture of the country. Each district has a county council which takes part in the development work of the country through its various programmes arising from its own budget.

Additionally, when the Plan was prepared for the whole country we took into account the provinces and the districts and there is, even now, development work going on in Kirinyaga District in the agricultural, industrial, commercial and social areas of development.

Mr. Agar: Mr. Speaker, would the Minister for Development and Planning inform this House whether there is anything in his power that he can do in matters of labour and employment to bring to the notice of the Minister for Labour to help those remote districts which are not near big industrial towns in order to let their youths obtain a fair quota of employment in bigger towns?

The Speaker (Mr. Slade): No, no, Mr. Agar, I am afraid you cannot expect the Minister to answer and give you the details of economic planning. You must restrict your questions to the economic planning machinery.

Mr. Mboya: Mr. Speaker, Sir, —

The Speaker (Mr. Slade): Do you want to reply, Mr. Mboya?

Mr. Mboya: Yes, Sir, I think the question is of interest in what we are trying to establish.

The Speaker (Mr. Slade): I am afraid you will not be able to give a very detailed answer, Mr. Mboya. We do not have the time for that.

Mr. Mboya: Yes, Sir, All I want to say in reply is that, in fact, the policy has always been to diversify and decentralize as far as possible so that jobs will be available in the remotest parts of the country.

Mr. Kalli: Mr. Speaker, Sir, is the Minister aware that the ordinary villagers in Kenya today do not understand—and they do not know what is required of them—what this Six-Year Plan is,

they do not know what they can do to make it a success?

Mr. Mboya: It is quite possible, Sir, that some people in the villages do not know about the Six-Year Development Plan and; do not understand what parts they may play in it. It is not possible within a matter of twenty-four months to have brought this country, all of its people, to appreciate and become conscious of planning and development. However, Sir, the job of creating this consciousness and educating the people in the villages is one which must be done as between the Government, the elected representatives and all the arms of Government from the top to county council level. That is why I welcome development committees by Elected Members in every district.

Question No. 868

OVERHEAD BRIDGE AT KWA-JOMBU

Mr. Mwatsama asked the Minister for Works, Communications and Power if the East Africa Railways and Harbours would consider installing an overhead bridge at Kwa-Jombu Railway Crossing in order to reduce the large number of accidents that occurred on this site, particularly at night.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. At present, the Government has no intention of building a road over rail bridge at Kwa-Jombu.

This is because of the very high costs that will have to be incurred by Government in building such a bridge. At present, the Government, the East African Railways and Harbours and the Mombasa Municipality are thinking of the project on a long-term basis. When funds are available, something will be done to this section of the road.

Mr. Mwatsama: Mr. Speaker, Sir, can the Minister tell the House how many people were injured and how many people died during last year?

Mr. Mwanjumba: There was an accident last year at this point. The accident was not, really speaking, caused by the railway crossing. We believe it was caused by careless driving.

Mr. Masinde: Arising from the Minister's reply Mr. Speaker, could he tell us how many accidents have taken place at this level crossing during the past three years, caused by the railway crossing?

Mr. Mwanjumba: Mr. Speaker, Sir, I have no figures available for the past three years but from

[Mr. Mwanjumba] January to December 1964, there was only one accident.

Mr. Masinde: Arising from that reply, is the Minister aware that though it appears he has not the actual figures, that at one instance three buses were involved at the railway crossing and this caused a number of deaths? It is because of this that it is necessary to have a bridge. Is he aware of this?

Mr. Mwanjumba: Mr. Speaker, really I do not follow what the hon. Member is asking for. However, I have said that since 1959 there has been only one accident. I have also said that the Government, the municipality and the Railway Administration are looking into this question and when they are in a position to remedy the situation something will, I am sure, be done.

Question No. 869

POKOT LANGUAGE BROADCASTS ON VOICE OF KENYA

Mr. Lorema asked the Minister for Information, Broadcasting and Tourism if he could tell the House whether he was considering including the Pokot language in the Voice of Kenya programmes.

The Assistant Minister for Information, Broadcasting and Tourism (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. As this country is moving towards establishing Swahili as the national language, it is not the intention to encourage vernacular programmes. If there is need for any particular campaign to warrant an appeal to Pokot people in their own language, this could be considered on its own merits.

Mr. Makhokha: Mr. Speaker, Sir, could the Assistant Minister give an indication of when Swahili is likely to be used universally in this country?

Mr. Onamu: Mr. Speaker, Sir, in due course.

Mr. Lorema: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he imply that the local programmes now being broadcast through the Voice of Kenya are fostering social sectionalism and not the national cause?

Mr. Onamu: Mr. Speaker, that is not the case, but the hon. Member must realize that his people should have known Swahili by now.

Mr. Khalifa: Mr. Speaker, Sir, does the Assistant Minister agree with me that either all vernacular languages in the whole of Kenya should be

abolished or that the Coast language should be included?

Mr. Onamu: No, Sir.

Mr. Somo: Mr. Speaker, Sir, does the Assistant Minister mean to say that all Africans in Kenya should know Swahili?

Mr. Onamu: That is true, Sir.

Mr. Tanui: Mr. Speaker, Sir, will the Assistant Minister agree with me that the Kalenjin language is included in the Voice of Kenya programmes, as the Pokot people are Kalenjin?

Question No. 870

IMPROVEMENTS TO KAPENGURIA/SIGOR ROAD

Mr. Lorema asked the Minister for Works, Communications and Power if his Ministry had any plans for improving and expanding dangerous parts of the road from Kapenguria to Sigor and similarly Kongelai.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. Until recently, the roads referred to by the hon. Member were a regional responsibility, but unfortunately they have not been included in the 1964-70 Development Plan. The Government had asked county councils and provincial councils to submit a list of roads which they thought needed priority in their areas but these have not been received by the Ministry.

The hon. Member will appreciate that even though a list may be given, it will have to be considered in conjunction with other roads elsewhere in the country, and the roads which are considered to be of first priority by the Government will be looked into.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, would the Minister tell the House if he is aware that the Kapenguria road from Kapenguria to Kongelai is a national road which goes from Nairobi to Lodwar, and, as such, it should receive first priority?

Mr. Mwanjumba: No, Sir, a national road does not receive first priority merely because it is a national road; it has to be considered in relation to other national roads elsewhere. This particular road the hon. Member is talking about has been considered by Government, but Government is satisfied that there are other roads elsewhere which should receive the attention of the Cabinet.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply of the Minister, is it not because most of the Ministers do not use that road and that is why

Mr. Ochwada: Mr. Speaker, Sir, if the Assistant Minister thinks that what I have stated is not correct, then is he prepared to take up the case if I produce a case whereby some children were refused admission into former racial schools because the principal alleged that they were over age?

Mr. Mutiso: Mr. Speaker, Sir, I have just stated that it is one of the conditions which we lay down where the schools had more applicants than it could take, but if the hon. Member could bring some evidence which is purely on racial basis, as he alleges, then we would consider it.

Mr. Mullro: Arising from the Minister's reply, is the Minister aware that at the Prince of Wales, one of the teachers on the staff who wanted integration to be carried out effectively, was actually vitally persecuted by the rest of the staff of the Prince of Wales?

Mr. Mutiso: I am not aware of this.

Mr. Lorena: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would the Assistant Minister tell the House whether his Ministry is prepared to remove both physical and psychological discriminatory conditions in these schools?

Mr. Mutiso: I do not consider, as I have just stated, that at the present moment, we have any discrimination in our schools anywhere in the country.

Mr. Anyien: Mr. Speaker, Sir, will the Assistant Minister give this House an assurance that the boys who have been admitted to the schools we are talking about are the boys with the highest grades possible, and if he gives this assurance, will the Minister then give an assurance to this House that if we find that there are some boys in these schools with no qualifications, irrespective of their race or colour, and we have some boys outside with higher qualifications without having a chance in the secondary schools, that the Minister will take steps to remove those boys from those schools and introduce boys with higher qualifications?

Mr. Mutiso: Mr. Speaker, if there is evidence on the lines that the hon. Member has stated, in that case, Mr. Speaker, it would be looked into.

Mr. Khalif: Mr. Speaker, Sir, arising from the first reply of the Assistant Minister, supposing, in the sight of what he has said, some former racial schools are found to be discriminatory up to now, what is he prepared to do?

Mr. Mutiso: Mr. Speaker, Sir, I do not agree with that.

Question No. 850

SETTLEMENT OF ABALUHYA IN TRANS NZOIA AND USIN GISHU

Mr. Godia asked the Minister for Lands and Settlement what he had done in order to settle the landless Baluhya in Trans Nzoia and Usin Gishu Districts?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply.

Settlement schemes in the Western Province are primarily for the Baluhya as a whole, irrespective of where they stay or work. There are Baluhya in Trans Nzoia and Usin Gishu Districts, who may apply for holdings in settlement schemes in the Western Province, and their applications will receive the same consideration as those which are submitted by Baluhya living in other districts.

My Ministry does not keep a record of settlers showing their districts prior to the allocation of plots, and I am, therefore, not in a position to assess how many Baluhya in the Trans Nzoia and Usin Gishu Districts have gained from settlement operations.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, is he not aware that as a result of a recent Regional Constitution, the Baluhya as a tribe with over a million people, were given a very small area which is not sufficient for their settlement expansion and development and, as a result, it is, therefore, necessary to consider them for other areas for settlement?

Mr. Gachago: Mr. Speaker, Sir, I do not think the suggestion has anything to do with consideration of Baluhya people from other provinces. It relates to the two districts which were to be considered to be given priority for settlement in the province itself, and we say that in the settlement schemes, the Baluhya people are considered in general, not in accordance with the district they come from.

Mr. Shikuku: Arising from that reply, is the Minister aware that apart from Usin Gishu and Trans Nzoia, the system is different in that, at the moment, people in a given area are settled there, for example, in the Rift Valley where Kikuyus are being settled when they don't belong to that region?

Mr. Gachago: I am not aware of that.

Mr. Masinde: Mr. Speaker, Sir, arising from the reply, will the Assistant Minister assure this House that settlement schemes selection

(Mr. Masinde) boards would first of all consider the displaced labour before taking anybody from what was called "the reserves"?

Mr. Gachago: Mr. Speaker, the labour on the farms purchased by the Minister for Lands and Settlement is given very serious consideration, where the people are picked for settlement.

Mr. Mboogo: In view of the fact that all land in Kenya belongs to Kenyans, does the Assistant Minister consider settling people, wherever the land may be found and not those people who are Baluhyas from Trans Nzoia and Western Province only?

Mr. Gachago: Mr. Speaker, Sir, land certainly belongs to the Kenya people as a whole, and belongs to the State of Kenya. Also, the divisions and the provinces are recognized by the Government.

Question No. 852

AID FOR HARAMBEE SCHOOLS IN HAMISI

Mr. Godia asked the Minister for Education if he would, in consultation with the County Education Officer, consider aiding the Harambee Schools of Munzatsi, Senende, Gwogi and Goibei in Hamisi Constituency.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply.

It will be possible to aid in 1965 Chesamisi which is one of the Harambee secondary schools in the Western Region. But it is regretted that, owing to shortage of funds, it will not be feasible to aid at the same time Munzatsi, Senende, Gwogi and Goibei.

Mr. Godia: Mr. Speaker, arising out of the Minister's reply, could he tell the House when funds to aid these schools?

Mr. ole Konchellah: Mr. Speaker, Sir, I thought that my answer was very clear, and I will repeat saying that it will be at a time that we get funds.

Mr. Omweri: Mr. Speaker, will the Assistant Minister give us the policy concerning these Harambee secondary schools so that we know whether these schools in Hamisi Constituency would be subject to this particular policy?

Mr. ole Konchellah: Mr. Speaker, Sir, our policy will depend very much on the reports from the provincial headquarters.

Mr. Kamuren: Arising from the reply, will the Assistant Minister tell us when these funds are going to be available?

Mr. ole Konchellah: Will you please repeat your question.

Mr. Kamuren: Mr. Speaker, Sir, I would ask the Assistant Minister to tell us when the funds are going to be available for the schools in question.

Mr. ole Konchellah: When the funds are available.

Question No. 867

ECONOMIC PLANNING FOR KIRINYAGA

Mr. Gichoya asked the Minister for Economic Planning and Development if there was any established economic planning machinery for industrial, agricultural or social development in Kirinyaga District.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. As the hon. Member is aware the Government has published a Six-Year Development Plan for the period 1964-1970. The Plan deals with, *inter alia*, industrial, agricultural and social development for the entire country. In the compilation of the Plan, the industrial, agricultural and social development of districts, including Kirinyaga District, was taken into account. My Ministry is in the process of revising the Plan with a view to making it more comprehensive.

The Ministry of Economic Planning and Development works in very close consultation with other Ministries in the Government. It co-ordinates matters relating to development and planning, but each Ministry is responsible for execution and administration of the relevant part of the Plan. If the hon. Member is interested in the detailed programmes of industrial, agricultural or social development in Kirinyaga District, he should contact the Ministries of Commerce and Industry, Agriculture and Animal Husbandry and Labour and Social Services, respectively for such information.

Mr. Gichoya: Arising from the Minister's reply, and in view of the fact that there has never been any co-ordination up until this moment, with the Economic Development Committees within the districts, so far as industrial, agricultural and social developments are concerned in Kirinyaga District, and since the Minister is concerned with development, is he prepared, instead of recommending Members to various Ministries, to accept Elected Members on development committees so

Thursday, 25th February 1965

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

SENATE AMENDMENTS TO BILLS

The Speaker (Mr. Slade): I wish to inform all Members that the Senate has returned the Cereals and Sugar Finance Corporation Amendment Bill and the Post Office Savings Bank Amendment Bill, and in both cases is in the affirmative. Since that is the first time that this has occurred, it might help hon. Members if I describe what happens next according to our Standing Orders. The next thing is that a Minister will have to move that these amendments be considered. At that point, it will be open to the House to resolve by amendment that the amendments do not be considered for another six months, which means that the Bill will be kept in abeyance meanwhile or by another amendment that the Bill will be withdrawn altogether. Otherwise, if the Motion is carried that the amendment be again considered, the question will again be put to the House, whether or not the House agrees to these amendments. If the House still disagrees with the Senate Amendments, then the House may either make some other amendment and refer it back to the Senate, or there may be a Motion by any Member that the matter at that stage be referred to a Joint Committee of both Houses.

ANTICIPATION OF DEBATES—STANDING ORDER 60
Hon. Members, I have one more Communication to make.

Two days ago I gave a ruling which I find to have been incomplete, and which must now be corrected.

During the debate on adjournment, Mr. Odinga raised a point of order whereby he questioned the propriety of that debate, concerning eviction of squatters from farms in Laikipia, in view of Notice of Motion on a similar subject already given by Mr. Kaggia, which Motion is due to be debated tomorrow.

Thinking that Mr. Odinga referred to Standing Order 32, which prohibits Motions which are already in substance as questions which have already been resolved by the House, I pointed out that debates on adjournment do not involve any actual resolution, and that this debate on adjournment would consequently not prevent subsequent

debate on Mr. Kaggia's Motion; but I overlooked Standing Order 60 which deals with anticipation of debates, and which is probably what Mr. Odinga really had in mind.

Standing Order 60 (2) provides that it shall be out of order to anticipate the discussion of a Motion of which notice has been given, by discussion upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion for the adjournment of the House; though regard must be had to the probability of the matter anticipated being brought before the House within a reasonable time.

In view of the facts that Mr. Kaggia's Motion is similar in substance (though not identical) to the matter which Mr. Kariuki brought up on that adjournment, and that Mr. Kaggia's Motion is to be debated so soon, I think that Mr. Odinga was correct in his point of order, and that I should not have allowed the adjournment debate to continue.

I apologize to Mr. Odinga and to the House for this error on my part, and I would ask hon. Members to note for the future the effect of Standing Order 60 with regard to anticipation of debates.

PAPERS LAID

The following Papers were laid on the Table:—

Report on the working of the Public Service Commission of Kenya for the year 1964.

East African Common Services Organization.
East African Industrial Research Organization Annual Report 1963-1964.

(By the Assistant Minister, Vice-President's Office (Dr. Waiyaki) on behalf of the Vice-President (Mr. Odinga))

NOTICES OF MOTIONS

COURSES FOR CIVIL SERVANTS

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

THAT in view of the fact that the colonial mentality has not been cleared from some of our senior civil servants, this House urges the Government to take early steps to rehabilitate these civil servants by arranging courses in the Lumumba Institute so that they can be taught lessons which will decolonize them to enable them to serve our country effectively.

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

DEVELOPMENT MONEY FOR POOR SAMBURU

THAT in view of the large number of Samburu families who, as a result of *Shifita* raids have lost all their livestock and other properties, this House urges the Government to Vote in the 1964/65 Development Supplementary Estimate a substantial sum of money for the settlement of these impoverished families.

REMOVAL OF SOMALIS FROM ISIOLO DISTRICT

THAT in view of the continuous series of raids and inhuman slaughtering and burning of Samburu tribesmen by *Shifita*, this House urges the Government to remove all the Somalis living in tenfold areas in the Isiole District and declare it an emergency area.

DISMISSAL OF ALL SOMALIS FROM ARMY AND POLICE

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

THAT this House notes with the greatest dissatisfaction the manners and ways Somali officers in the Government Services are treated and the repeated remarks by Ministers that they are not trusted, therefore, this House urges the Government to dismiss all Somalis in the army, police and Tribal Police from their services and replace them with anybody who is loyal to the Government.

ACCEPTANCE OF CONCEPT OF PLANNED SOCIALISM

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

THAT this House rejects the concept of African Socialism and accepts planned socialism.

ORAL ANSWERS TO QUESTIONS

Question No. 846

DISCRIMINATORY CONDITIONS IN SCHOOLS.

Mr. Omweri asked the Minister for Education whether he would consider removing all the discriminatory conditions for admission to the former racial schools, so that the intake would be based on merit only.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Yes, Sir. The Ministry has in fact considered removing discriminatory conditions for admission into former racial schools and the heads of these

schools have been made fully aware of the intentions of the Ministry in this matter.

As the hon. Member must know, the number of African children studying in the former racial schools has more than quadrupled during the last twelve months or so, and the year 1965 will see yet another big stride in favour of integration in these schools. It is, however, to be hoped that hon. Members will appreciate that changes as vital as these will require some time to be completed. In some cases long established practices may not be easily abolished at once without giving adequate warning to those who would be most affected by the changes.

Mr. Omweri: Mr. Speaker, Sir, the Assistant Minister says that the Government is considering removing these differences, would he give us the proportion in which the present intake has been carried out?

Mr. Mutiso: Mr. Speaker, Sir, if I may follow that up, that one African attended a European school in 1963 and 286 in 1964. The figures for 1965, Mr. Speaker, as the hon. Members are aware, are not yet available, but it is hoped that they will be greater than those in 1964. Integration is progressing very well in former Asian schools where, in one school alone, Mr. Speaker, about 105 out of 210, which is fifty per cent, were admitted. There are hardly any cases of Europeans opting to attend traditionally African schools and the obvious reasons for this, Mr. Speaker, is bad.

Mr. Ochwada: Is the Assistant Minister aware that several African students or children were turned away from the so-called former racial schools, because they were alleged to be over age, and is he aware that this over age is not the fault of the parents, nor was it the fault of the children? What is he doing about this?

The Speaker (Mr. Slade): We are talking about discriminatory conditions.

Mr. Ochwada: If I may elucidate this, Mr. Speaker; this is one of the discriminatory conditions. They are turned away because they are Africans, not because they are over age.

Mr. Mutiso: First of all I do not agree with the hon. Member. I would like to inform the House that one of the problems which perhaps caused some of the pupils, as the hon. Member mentioned, to be turned away, was because some schools have more applicants than they could take. Therefore, we, in the Ministry considered that instead of chasing away some pupils who were under the average age, we gave priority to the younger ones.

[The Minister for Internal Security and Defence] another Motion, on which more Members will participate, I continue to say that you cannot explain the whole policy of the Government on the land within two minutes, but I am trying, and if I am not interrupted, I will give as much as I can and then, when the next Motion comes, we will continue.

Sir, I was saying that there was an area called the White Highlands where there are places like Nyandarua District, which is now purely African, and Africans have acquired that land in those areas. It is being farmed by Africans, and this is continuing to places like OI Kalou District, in which now settlement has started. The production over there is very good, and we are taking measures, step by step, until all farming land in Kenya shall belong to the Africans. This we are doing, and we cannot be accused of not working very rapidly and fast.

The other point is about the people who have no land, the squatters. As we have said very often, those people will have priority in the land on which they are now squatting, and we have said that people who come from other areas will have to wait until those people on the farms have been settled.

Mr. Speaker, when I speak in this House, I am not only speaking to the Mover of the Motion, but I am speaking to the whole nation, and I want the people in the Highlands, and in the co-operatives, and on the farms to listen, because

this is what we are doing and it is the policy of the Government.

Mr. Speaker, we have given priority to those who are living there, and we are going to carry it through, particularly on a co-operative basis. Although I am not the Minister for Agriculture or Settlement, I happen to know that these are the plans that we are coming to, but you cannot do everything within a minute, within a night, and even within one day, and we have made good progress and we are going to continue and the hon. Members who are sitting opposite talking about this Motion will one day share our joy, because we will have accomplished what we set out to accomplish. That is what the Government of Kenya wants, and what the fighters for a long time have been fighting for in Kenya.

This is the Government answer on this Motion, and since I hear that there is another Motion similar to this coming, we shall be able to elaborate more on our land policy in Kenya; and we are sure every hon. Member in this House will support it.

Thank you, Mr. Speaker, Sir.

ADJOURNMENT

The Speaker (Mr. Slade): We have had half an hour. The House is now adjourned until tomorrow, Wednesday, 24th February 1965, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 24th February 1965

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

MURDER OF THE HON. P. G. PINTO

The Speaker (Mr. Slade): All honourable Members have been shocked, may I horrified beyond measure, by the news that our colleague and friend Pio Gama Pinto was murdered this morning.

I cannot imagine any sane motive for the murder of such a man; but rather than letting our imaginations run wild, we must await the findings of the police and the verdict of an expert.

Meanwhile, our immediate duty is to record our heartfelt sympathy with his widow and the children and other members of his family in their sudden bereavement, and our own sense of loss. Mr. Pinto will be remembered as a friendly and courteous man of great public spirit and considerable ability. Though not with us very long in this House, he made his mark, especially by his energy and enthusiasm with which he worked on parliamentary matters in committees and elsewhere outside this Chamber. It is indeed a tragedy, both for this House and for our country, that we should lose such men in their prime of life.

I will say no more, but ask all honourable Members to stand in silence, showing our deep regret for the death of our friend; our respect for his memory, and our sorrowful sympathy for his wife and family.

Hon. Members, I had intended to make another Communication from the Chair today correcting a mistake which I made yesterday on Mr. Odinga's point of order during the Adjournment debate, but I think I must now leave that to another happier day.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I stand on behalf of the Government and the people of Kenya and this House to express how deeply we were shocked, and felt the incident which resulted in the death of our dear brother, Pio Pinto, and in such a state of affairs and state of mind, I do not think that it would be fair for the business of this House to carry on smoothly, and as a result of that, I think that the House and request that the House do adjourn for today and consider to meet tomorrow.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

The Speaker (Mr. Slade): I would request hon. Members that they allow me to put the question without debate.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is accordingly adjourned until tomorrow, Thursday, 25th February 1965, at 2.30 p.m.

The House rose at Twenty minutes to Three o'clock.

[Mr. Oduya]

help us with the Kenya problem as far as the landless population in the country is concerned. That is the people who have now come to be known as illegal squatters. Now, what we want, Mr. Speaker, is not to give an impression to the people and to the leaders of this country, who are not actually Ministers, that we are considering the workers, but not the illegal squatters as human beings. We do not want that sort of thing to happen, and we do not want Government to create an impression with the public—that it is these settlers who are evicting these people. We want the Government to come out with a complete land policy, to tell the nation that when we take over the land, here is the land for you, and they should come to this land.

Another point, Mr. Speaker, Sir, is that our people want urgently some more land. During the struggle for independence, we told our people very clearly that the land belonged to them; we told them that when we had independence they would get the land.

The problem of land in Kenya is due to the foreign administration, due to the British Administration. Now, we have had our own administration for nearly two years, but what has our own régime done to alter this problem? What our own régime has done, if I am not wrong, Mr. Speaker, Sir, is only to go to carry on with the old evil ways, and if I may quote our hon. Vice-President's speech, he has given an assurance on protection for commerce. If you want me to quote this, I can do so. It is no use saying that there are illegal squatters, when the people are not interested in the problem. It is the Government who is interested in the problem. The Minister did not mention what the Government is doing to help those people, because now those people are everywhere in the Rift Valley where the settlers are. He has not mentioned how the Government is going to protect these people who need protection. All he mentioned, if I can quote it with your permission, Mr. Speaker, is that the Government is seriously considering the problem of unemployment, and assure these people that these people would not be neglected.

Now, what we demand from the Government, if the Government has the time, is to assure the settlers on their protection. Now, we see that the Government has not given an assurance within that period to a helpless population—

The Vice-President (Mr. Odunga): On a point of order, Mr. Speaker, I would like the hon. Member to clarify this statement he has made, because he said that I was referring to the slow progress, and what is wrong with that?

The Speaker (Mr. Slade): It is very important that the hon. Members referring to a report or a statement of the Vice-President or any other Member, describe exactly when the statement was made and give the full context to the hon. Member.

Mr. Oduya: Mr. Speaker, we are not actually blaming this Government. All we do is to try and assist the Government to find a solution immediately, because there is one very interesting word which is going round in the heads of our Government Ministers, in the heads of our—

The Speaker (Mr. Slade): Mr. Odunga still wants you to be precise about your statement.

Mr. Oduya: If I am given a few more minutes, I can read it to you. "Mr. Odunga, who was addressing a meeting of the Rift Valley Region said that Kenya people should not say, in depicting, that because they have an African Government, they can do what they like with other people's property. He was replying to a suggestion by the Rift Valley President, that the Government should apply stronger measures to stop illegal squatting on private farms in the Rift Valley." All I would say is this, Mr. Speaker, that if the Government says that they have no time to get this problem properly solved, what we want to know is how these people could go to these farms. Is it because these people are doing it deliberately, or are they trying to do this because they have no place to go? If they have no place to go, what is the Government going to do to try and find somewhere for these people, to avoid them staying on in this land?

The Vice-President (Mr. Odunga): May I rise, Mr. Speaker, I think on a point of order. The Speaker should actually clarify where he found that I was wrong, and where the mistake was made.

The Speaker (Mr. Slade): I think the hon. Member is explaining his argument now.

You have another minute or so, Mr. Oduya.

Mr. Oduya: Let me finish by saying that when the hon. Member from Laikipia brought this here, we are also worried about it, and we do not want Government Ministers or top civil servants saying that it is the Members who are inciting this. This is a problem which is very clear. All we are asking the Government to do is to find a solution, but not to go and tell people that the Members in this House are working against the Government, and therefore, they will be sent to Mananyi. If this question of sending off people who have no land and we Members protest, and the only solution the Government can think of, is to send us to Mananyi, will the Government

[Mr. Oduya]

should think up something better than this as an answer to the landless problem.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, the hon. Member in this House raised a Motion, but somehow he never mentioned my Ministry, but I am going to answer on behalf of the Government.

Sir, starting with the hon. Member for Laikipia, the hon. Mr. Kariuki, he gives some exhibits over here of some papers and notices. One of them is signed by Mr. Preston, and he seems to think that Mr. Preston is in the Kenya Government. I have not seen a signature so far signed by a member of Government, giving protection. This is not a Government notice, it is not a Government paper—

Mr. Maslode: On a point of information, Sir.

The Minister for Internal Security and Defence (Dr. Mungai): How can the hon. Member start asking me for information when the time is so short?

It is not a Government notice, and it is not signed by any Minister or police, and this is Mr. Preston's own affair, on which the hon. Member from Laikipia, Mr. G. G. Kariuki, should have checked with the Government to find out whether it is a Legal Notice or not. We have all the offices of the Attorney-General over here, through which he could have checked to protect the people who have elected him, but he should have done so and then put it on the record that he had been to the Attorney-General's Office to find that this was a Government Legal Notice. I would still advise him to do so.

Mr. Speaker, Sir, to continue on this, they also accused the former Minister for Home Affairs, who is now the Vice-President, of having been a spokesman for the settlers in Kenya. This is the first time I have heard such an accusation, that the hon. the Vice-President of Kenya has become the key spokesman for the settlers in Kenya.

An hon. Member: Read this.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, they are even handing me notices to substantiate what I am saying.

Mr. Speaker, Sir, I happen to have been born in the town, and I am not going to desert the town to go to a farm, since I was born here. Sir, there are some hon. Members who were born on farms, but they cannot live on farms. I was born in the town and I am not going to a farm.

Sir, what I am saying is that I have never heard reported, either by the Mover of this Motion, or this paper, which does not bear his signature as far as I can see, that the Vice-President is accountable for what has been said here. I therefore cannot accept, on behalf of the Government, that the Vice-President became the chief spokesman for the settlers.

Sir, I will continue from there. With regard to the issue of landless people in Kenya, if the hon. Mover of this Motion will listen, he will know that this Government cares very much for the landless people in Kenya. There are many people in this country who have died for land, and all Kenya belongs to the people of Kenya. I think here, Sir, with full authority of the Kenya Government and of the people of Kenya, and this has been said so often, the land of Kenya belongs to the Kenya people. There are so many people and if the hon. Members will wait, they will hear the Government view on the land in Kenya.

An hon. Member: Tell us.

The Minister for Internal Security and Defence (Dr. Mungai): That is exactly what I am trying to do, if you will only keep quiet for a while so that you can hear the answer.

The President of this nation, the Members of this Parliament, who earned their struggle for independence when there were so many of them who died because of this land, they said the land of Kenya belonged to the Kenya people. You may want to do everything within one hour, one minute, but you cannot do it. What we intend to do, we have been doing. There is a place that we used to be called the White Highlands in Kenya, of which we have African Members representatives in this House. Nyandarua is in it, and I am going—

Mr. Oduya: On a point of order, may I seek your guidance on this. I think the Motion asked the Government to find a solution. Now, instead of the Minister trying to tell the House what arrangements the Government has, he is trying to—

The Speaker (Mr. Slade): It is quite clear that what you are asking for is not only the reason for these evictions, but also the policy of Government as to how the landless people, including those evicted from these farms, can be provided for. Now, the Minister is just starting to describe the policy on that very subject.

The Minister for Internal Security and Defence (Dr. Mungai): Thank you, Mr. Speaker. Having been told by the hon. Vice-President that there is

[The Chairman] such a Motion has been moved and that debate I am afraid will continue until somebody proposes a closure, which nobody has done just now because hon. Members obviously still want to proceed with the debate.

Now Mr. Kaggia, it is time for the interruption of business, and I will report progress to the Speaker and beg leave to sit again on this Motion. You still have the right to speak, because during the Committee stage Members may speak as often as they want; they do not just have to speak on one occasion only. So we will now move out of committee.

(The House resumed)

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

PROGRESS REPORTED

SUPPLEMENTARY ESTIMATE No. 3 of 1964/65—RECURRENT

Dr. De Souza: Mr. Speaker, Sir, at the time for the interruption of business the Committee of Supply were debating Vote 11—the Ministry of Home Affairs—of Supplementary Estimate No. 3 of 1964/65 (Recurrent) and I am instructed to report the progress and beg to leave to sit again tomorrow.

MOTION FOR THE ADJOURNMENT

EVICTON OF SQUATTERS FROM LAIKIPIA FARMS

The Speaker (Mr. Slade): It is now time for the interruption of business, and a matter to be raised on the Adjournment.

I will now call upon a Minister to move that the House do now adjourn.

The Vice-President (Mr. Odunga): Mr. Speaker, Sir, I move that the House do now adjourn.

The Attorney-General (Mr. Njonjo) seconded.
(Question proposed)

Mr. G. G. Kariuki: Thank you, Mr. Speaker, for allowing me to raise this matter on the Adjournment.

Mr. Speaker, Sir, this is something which is known by nearly everyone here, it is something which has been happening since we achieved our Independence and the country has begun to wonder why these things are happening.

Mr. Speaker, Sir, I want to say something about illegal squatters, because our Government is trying to give a very strong definition about illegal squatters. Mr. Speaker, Sir, those whom they call illegal squatters are the people who have

been working on the farms for a long, long time. Some, of course, Mr. Speaker, have been working on the farms for more than thirty years and you will find that some have been given notices to leave the farms within fourteen days. Mr. Speaker, Sir, with your permission, I would like to read one of the notices.

The Vice-President (Mr. Odunga): On a point of order, Mr. Speaker, Sir, I would like your ruling.

There is a Motion which is to come to the House, probably this week, which also involves at the same time the question of squatters. Would it be in order to debate a further Motion from the same man on the eviction of the squatters?

The Speaker (Mr. Slade): Yes, that would be in order, because the Standing Order which I think the hon. Member has in mind is the Order which prevents us from reconsidering within a certain period a matter on which the House has resolved. Now, on this Adjournment debate we do not have any actual resolution, we only have a discussion without a vote taking place, so the fact that we have discussed a matter like this for half-an-hour with no vote on an occasion such as this would not prevent subsequent debate on a substantive Motion with a vote at the end of it.

Mr. G. G. Kariuki: Thank you very much, Mr. Speaker.

The Vice-President, who is aware of a recent demonstration outside Parliament, should not try to prevent this Motion from being debated.

Mr. Speaker, with your permission I would like to read a notice which has been given to people, the ex-employees of Mr. Preston's farm and they have been there for a long, long time. The notice reads as follows:

"To the owner of this house: We do hereby give you final notice that within fourteen days—"

Mr. Speaker, Sir, these people have been there for thirty years and they are only given fourteen days to clear up everything and get out.

"You, your family, your goods, your chattels and your livestock must be off the farm. If you do not comply with this notice you will be evicted and all moved by force by the Kenya Government."

Mr. Speaker, each of these people think that the Kenya Government is now out to exploit our people who are law-abiding citizens.

Mr. Speaker, Sir, assurance has been given by European farmers and the Government, and I

[Mr. G. G. Kariuki] have a statement issued by the Minister for Home Affairs, who is today the Vice-President. On 30th January 1964, he said at a meeting at Nakuru, where he gave an assurance to the European farmers, and he did not mention anything about illegal squatters. That means that he was speaking as a Minister for farmers, but not for Africans who have elected him.

Mr. Speaker, Sir, another statement which I consider very irresponsible was made by the Minister for Labour and Social Services in Naro Moru. He said that those people who refused to go from the European farms would be taken to Maoyani. Now, Mr. Speaker, he is causing people to become frustrated and that is why they are now organizing demonstrations outside Parliament Buildings. We want to know if the Government gave these instructions, because I understand from the higher authorities that he police had been instructed by the Administration from the top to evict these people, whether or not they had anywhere to go or whether or not they had anything to eat, but it is up to these people to guess where they can go. I want, Mr. Speaker, to warn the Government seriously that the demand for land is now growing and that the Government must look for somewhere for them to go, but the people do not agree with these things, but they are frustrated. They want to know why the Government is evicting them and not giving them anywhere to go; just telling them to go and not telling them where to go. Government should know that they have nowhere else to go and that they cannot get any food in the country.

Now, Mr. Speaker, here I have something written by the Ministry of Agriculture, what they call the Agricultural and Land Utilization, Farm Employees Rules (1964). There are many farmers, for your information, Mr. Speaker, who have been allowing people to stay on their farms without work, but this was published in the Official Gazette and now the farmers are starting to worry about it. "If we do not evict these people, we are going to be taken to Court, because the Government wants us to comply with these Rules." Mr. Speaker, Sir, many farmers have been very generous and they have many people on the farms, and these Rules—I do not want to treat myself—they have been made to evict them and the police have said that they have received instructions from headquarters that they are going to help the farmers to evict these people. There is no voice, but in many African countries one finds that a revolution takes place after a short period of independence. It is because of this attitude, it is very bad, I have told the

Government to introduce a settlement scheme in my area. This is still not answered satisfactorily, yet people are telling me that if they had somewhere to go, they would not refuse to move, but they have nowhere else to go. Now, we do not know what to tell these people, about such protection for the farmers, but not for the ordinary people. Mr. Speaker, I do not want to obstruct any other Member from speaking.

The Assistant Minister for Internal Security and Defence (Mr. Argywings-Kodhek): On a point of order, there is a notice which he read giving fourteen days. The Government does not have a copy.

The Speaker (Mr. Slade): I am sure that the hon. Member will pass it over to the Government to see.

Mr. G. G. Kariuki: Thank you, Mr. Speaker. I will pass it over right now.

The Speaker (Mr. Slade): I think the hon. Member only refers to the notice actually.

Mr. Odunga: Mr. Speaker, in supporting my hon. friend who has just spoken I would also like to inform our Government, that is the Kenya Government, that the case of eviction in the Rift Valley and other places has now become a chronic disease throughout the country and this is a really touchy issue. So far as I remember, that even some time back in the last year, the hon. Mr. Kariuki and many other Members in this House have asked the Government questions regarding what the Government calls illegal squatters, although I personally do not accept that word "illegal".

The Government has not considered it fit to remedy the situation. All that the Government has done is to go to the Press and tell the people to go back to the land. When we still have more people, Mr. Speaker, who are being evicted and turned away from the land. So, now, Mr. Speaker, Sir, these people have no land to go to. All they do when they hear that they should go back to the land, is to go to their former employer and tell him that they were here long ago, and ask him whether he could offer them any more employment. Now, this man will just say that as far as he is concerned, there is no job here. Now, telling them to go back to the land has no meaning. This is where, Mr. Speaker, we say to our Government that it is no use talking too much and loudly to the Press of this country, the newspapers, or the foreign enterprise newspapers in this country and giving publicity for nothing. There is no meaning in it.

Secondly, the Government has made a lot of noise with this propaganda, but that alone will not

[The Chairman]

order. You are not allowed to take advantage of a point of order to reply to the Minister. It is quite wrong. I have made it clear so often that this must not be done.

Mr. Warlille: Mr. Chairman, I will be very brief. At the outset, I would like to say that the Government should not misunderstand the seriousness of the Members in querying how this money was spent. It is not that we belittle or look down upon Kenyatta Day. In fact, the query is not that the money was spent—perhaps we could even have spent more for a day like Kenyatta Day which we all respect—but what I think the Government has to realize, and I know they do realize it, is that this House has the final authority to give an O.K. before any money is spent, even a single cent.

Now, unfortunately there is a practice whereby the Government do spend money and then, after having spent it, they come to us to approve the expenditure. When we challenge this expenditure or demand information as to how the money was spent, we are entitled to do so; and in fact, if we are dissatisfied with the explanation, we might change this practice, whereby the Government is allowed to spend money before we have approved it. If it had been brought before the money was spent, we could have asked for details and if we were not satisfied probably we would not have approved it.

Now, the other point is that the Minister who has just spoken was trying to explain that since a similar amount, equivalent to the one which was spent, was collected, then it would follow, maybe illogically, that it would not matter how the sum was spent. I think this is a very serious way of looking at public funds.

—What I think Members are asking is something very simple, that if this was a party affair, and no money was spent from public funds, nobody would bother. But, since £3,500 was spent from public funds, we would like to know how it was spent, on what business, even if Kanu as a party was left to organize the expenditure. On what basis? Where was it spent? What did they do? I think, Mr. Chairman, as has been said on this Vote, that the Minister who is concerned should explain to us, and then if we are not given sufficient explanation we know what to do next.

Mr. Gichoya: Mr. Chairman, Sir—

Mr. Gichoya: On a point of order, Mr. Chairman, I wonder whether you would allow a few minutes to speak, and then the Minister—

The Chairman (Dr. De Souza): Mr. Gichoya, it is for the Speaker's eye to catch the speaker, it is not a point of order. Carry on Mr. Gichura.

Mr. Gichura: Mr. Chairman, Sir, I would like to state plainly that all we are seeking to do now is to legalize that expenditure of £3,500 because it was recovered and, in fact, we did get from the receipts from various places, more than £3,500. The balance was paid over to the National Fund. I think it is a good thing to explain this.

As to whether this money was well spent, the money that was advanced by Government to the Celebrations Committees. We have an accounting system and I think that we ought to ask the Committee which spent this money to explain.

Mr. J. M. Karuki: Mr. Chairman, Sir, I think the Members have a very genuine case in asking where this money went, but at the same time I would like to point out that, if I am not mistaken, this additional sum required of £3,500—if you look at the back of that Ministry's Vote, if you advanced from the Civil Contingencies Fund and the corresponding amount from this Vote it required to enable payment to be made to that Fund.

Now, if that is correct, Sir, then this £3,500 has already been recovered from somewhere, and if you look at the President's Office, if you go back to that Vote, you will see that in Miscellaneous Receipts, there is about £3,000 which I saved there. We would like to know whether these receipts of £5,000 were as a result of the money that was sent to the Provincial Administrations, according to you above, and came back so as to recover £3,500. In that case, Mr. Chairman, if the Committee would care to explain how much money they sent out and how much money came back, in order to meet this £3,500, before we vote it in, I think that would alleviate a lot of the problems we are trying to solve now.

According to what I learned, this money that we are trying to legalize is already in the Fund; it is not something that we are going to vote. If it is new, why should we vote for more money whereas this money is already there.

Mr. Mhogoh: Mr. Chairman, when the Minister says that this £3,500 was spent in the regions, I fail to understand exactly which regions, and I would ask the Minister to bring a breakdown of this figure, a proper breakdown, with particulars as to how much was sent, let us say, to Central Province, how much to Coast Province, and how much was given to any other province, and the way in which it was used in the provinces to which it was given.

[Mr. Mhogoh]

The reason for my asking this, Mr. Chairman, is that I was also a member of the Celebrations Committee of the Eastern Province, and the only thing I saw was a Minister being sent from Nairobi coming to represent the Government at the celebrations. But, Mr. Chairman, there was nothing like money advanced to us as a committee to hold celebrations. When it came to the matter of decorations for the town, I found that Kanu Youth Wingers were decorating the town, without being paid by anybody as mentioned. Then it got to the point of bringing tickets and posters. Kanu vehicles brought these posters from Nairobi to give to Nyeri and then when they got to Nyeri they left the posters there, they never brought any posters to Embu. We never received any of them. And after all that, the driver of the Kanu vehicle had no money to get petrol and I had to give him my own money from my own pocket.

No money was given to anyone. The Minister says that there was some £3,500 given to Kanu to send to the provinces together with the posters that were never brought. I do not see what happened there. So, Mr. Chairman, if the hon. Minister can bring a proper breakdown of this figure, we would appreciate it very much. At the same time, he claims that this money has been repensated. Our main interest is not just knowing that it is compensated; but our interest is to know how the public fund was spent on this occasion where we did not know and where we are not informed. What I would like to tell the Minister is that it is wrong to spend public funds just like that without the Parliament knowing exactly how much money was going to be spent. Supposing they spent £10,000 and then they come and tell us, or they expect us to approve this blindly or just sit down and discuss it?

So, Mr. Chairman, I think Parliament ought to be informed about the expenditure before it is actually made by the Ministries.

Mr. Kaggia: Mr. Chairman, Sir, it is a pity that we have taken such a long time on this item, but it is also surprising that the two Ministers who have been very active in answering the questions have not been able to satisfy this House up to now.

Mr. Chairman, Sir, it is no argument for the Ministers to tell us that this amount has been repaid. The fact remains that the money was spent by the Government and we are entitled, as the House of Representatives, to know how this money was spent. It is very important for the House to get this information, because not only for the celebration of Kenyatta Day but

complaints are always made on various celebrations, and sometimes it is said that money is advanced, by the Government, to the districts or provinces, but when we came to find out where this money goes then no one knows. In some cases we are told that this money is used by holding private parties by the civil servants.

If I may mention examples on various celebrations for instance Republic and Independence, we were told the same thing that the money was given to the district commissioner and even today we are still fighting in our district to know where the money went. Sometimes we will say that the money was given to the chiefs. You then go to the locations, they never get a single cent.

Therefore, Mr. Chairman, another argument which has been advanced by the Minister for Information that some of the Members here were members of the celebration does not answer anything. In fact I was one of the members of this committee but all we knew or all we did was the planning as to how these things will happen, how the Government will be held, which towns, and so on, but when the time came for distributing the money to the district we never received a single cent. Therefore, Mr. Chairman, I think the Ministers—

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): On a point of order, Mr. Chairman, Sir, I think that it is right to say that the hon. Member who has just spoken, failed to attend some of the meetings he was supposed to go to.

The Chairman (Dr. De Souza): Actually that is not a point of order, Mr. Onoko.

Mr. Masinde: Mr. Chairman, Sir, since we have to manage this or that committee, would it be in order for me to continue.

The Chairman (Dr. De Souza): That is not a point of order either, Mr. Masinde.

Mr. Kaggia: I do not think that was a point of order, but the fact remains that the committee was used only for planning, but as to the distribution of the—

The Vice-President (Mr. Odinga): Is it right that hon. Members should go on speaking or—

The Chairman (Dr. De Souza): A point of order has been raised, Mr. Kaggia. I think I might just answer it for the benefit of the Vice-President, who I think is not properly aware that the Motion has been moved reducing this Vote by £1 by the hon. Mr. Shikuku as a result of which we then have right to have a debate on policy, if

[Mr. Oduya]

Mr. Chairman, I was sitting in this committee, both in Kakamega and in Nairobi and I want to know who spent this money. I took these cards to Kakamega on Friday, and the cards were sent out on Saturday (for the information of the Minister) and Sunday. Then, on Monday, we had this thing going around, but I took the cards on Friday, so when the cards reached the District Commissioner and the President of the Regional Assembly, they were waiting information from Nairobi, so when we sent the cards to them, they started sending out to the local businessmen to assist. People who were able to buy the cards, the District Officers, the District Commissioners were asked to try to persuade people to buy them. It was not a governmental thing, it was only a question of asking people. "Would you like to come?" Those who were willing and if they had any cash, they bought and they went to the thing.

Now, Mr. Chairman, coming to the facts now, that the money was sent to the provinces, this is wrong. I challenge the Minister again. This is the second challenge he has to prove.

I challenge the Minister for Finance or the Minister for Justice who was on that committee. I want this to be brought to this House, these minutes to be brought to the House. The committee raised to many, because I was second in control of that committee. We want to know whether Oduya's name appeared there. The minutes were quoted, but from which account? We want to know. We cannot actually— Mr. Chairman, if the Minister can be patient, I will explain now. In this committee, when I was at Kakamega and the Minister for Education was represented, and the President was also there, I challenged the Government to tell the House, whether what we did at Kakamega was right. We had contributions received from the Asian community. I also want to make it quite clear to all the Ministers that are here that the food was purely tinned. Would you like to organize a night? It is a question of a dance, or even if they say a dinner, and even the Minister who represented that area, attended the dinner, now, the hon. Mr. Otieno. Now, for all I know the dance was not a Government thing at all, but just because there was a different Kanu and Kadu Government was there to keep the peace.

Now, I think if the Minister could be disciplined by the Chair, I think he will be able to listen.

What I understand is that he persuaded Kadu supporters to join in the Prime Minister, and Government officers who had money and a few members of the Asian community in Kakamega, and other

places paid for their ticket. I know that the Assistant Ministers want to replace some Ministers in the Government.

Now, Mr. Chairman, in the dance, the contribution was to go to Kanu.

The Chairman (Dr. De Souza): I think that was a general allegation.

Mr. Oduya: So, Mr. Chairman, what I said was that the funds which were to be available from the collection which would go to Kasu headquarters into the accounts.

If it is a Government thing, we challenge the Government. We want to know how much was raised, and whether this money was banked. Is it with the Government account in the Treasury Department, or is this account just thrown somewhere? We want to know about it. I remember in Nairobi it was agreed, and it was we who suggested how much, according to districts. Nairobi, which is a capital, said that the rich people in Nairobi could afford any amount, but the people in Kisumu, Kakamega, we did not have much money. So, now what we want to know, and we ask the Government to tell us, is where the money is, otherwise we will stand here and suggest that Sh. 70,000 was spent on these Kenya Day Celebrations and it is completely nonsense, and completely untrue, and we are questioning the Government now to tell us who used this money, because, Mr. Chairman, when the Minister for Education came there, he was driving his car purely to represent the President of Kanu, not the Prime Minister.

Mr. Kall: On a point of order, I wonder whether it would be in order, since all the questions have been raised, whether it would be in order for the Minister now to reply?

The Chairman (Dr. De Souza): I think you have to propose the closure. I think maybe after Mr. Oduya has spoken, we can move that.

Mr. Oduya: This interruption has made me lose my head completely.

Now, the point here is, Mr. Chairman, that we demand to know the amount which the Government—

The Chairman (Dr. De Souza): Mr. Oduya, I think you are repeating yourself.

Mr. Oduya: At Kakamega, the person who was representing the then Prime Minister, was Mr. Otieno. What we actually want to know is whether the money which was raised was spent on transport and accommodation.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onekko): On a point of information—

Mr. Oduya: No, I will not give way.

At Kakamega, the Minister who represented the Prime Minister did not raise any money, so we want to know how he got this amount of Sh. 70,000.

The Chairman (Dr. De Souza): Mr. Oduya, there must be some limit beyond which Members must not go in making a speech like this. I cannot allow any hon. Member to repeat the same thing. I have, in fact, given you a lot of latitude. If every hon. Member decided to speak as long as you do, we would be here until Christmas. I do not like to disturb you, but I have given you a lot of latitude, and you are only beginning to repeat the same thing. I think the point is that you want the Government to give details of expenditure.

Mr. Oduya: I am not sitting down yet.

If there is any demand for this money to be paid officially, the Members of the committee who are in Nairobi, will have the same amount to be sent to them, because they took part in the official function. Now, the second thing is that I challenge the Government that this House will demand, if the Government raised money from all over the country to submit the report on this money, and if they have mispent it, then we would like to see this amount of Sh. 70,000 being refunded by the Ministers using the money or whoever is responsible to the Government accounts immediately.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onekko): Mr. Chairman, Sir, there is nothing the Government wishes to hide here, because already it has been provided, if you can look at the Kenya Day Celebrations, that Appropriations-in-Aid for official functions, that is official dinners and dances—

Hon. Members: Where?

Mr. Achieng-Onekko: Appropriations.

An hon. Member: Where are the official dinners?

Mr. Achieng-Onekko: This I have already explained when I spoke a few minutes ago, and it is true that official dinners were held.

Mr. Ng'ala-Aboki: On a point of order, we are learning with a very serious conscience—

The Chairman (Dr. De Souza): Is this a point of order?

Mr. Ng'ala-Aboki: Yes, it is a point of order. We are learning with great concern the shifty sort of habit on this particular item. The Minister concerned has just stated that the money was sent to Provincial Headquarters, and it was well spent, and now we are challenging that we should know how this money was spent. Is it in order for the Minister now to say that officials who used the money were recognized, but not on an official basis?

The Chairman (Dr. De Souza): That is not a point of order. In fact, what the Minister is saying quite clearly is that this is looked after by Appropriations-in-Aid, that in fact this money was obtained or refunded by some dinners, etc. In other words, the Government spent it but it was recovered from money paid for these dinners. This is nothing shifty. This is a very serious allegation to make. You can make it when you want to make a speech, but you do not interrupt the Minister in the middle of his speech because you want to say that he is putting forward a shifty argument. This is quite wrong; and I certainly will not accept that allegation.

Mr. Achieng-Onekko: Mr. Chairman, Sir, I do not want to take a long time to explain this, but Members also studied the book. It should also be remembered, Mr. Chairman, that after the Government used this £3,500 they also realized—and you will see this—that the expenditure was off-set by Appropriations-in-Aid accruing from official functions, and these official functions took place in Mombasa, Nairobi, Nakuru, and some other centres. This actually was done on the recommendations and decisions by the party. The only thing that the Members are entitled to ask—and this is proper—is how much money was realized from these official functions. I think this is the main thing that the Members want to know. I am trying, Mr. Chairman, to give as much information as possible because I also was on that Committee, and I do remember that the hon. Member who has been speaking here, for about thirty minutes, standing repeating himself, only attending one meeting. He did not attend any after that, when the whole thing was changed; when it was decided that the Government should participate as well and that the money which was realized should go to the Government Account.

Mr. Oduya: On a point of order, Mr. Chairman, is it in order for a Minister only to stand up and say I was repeating and yet he refuses to reply to these strong challenges? Facts!

The Chairman (Dr. De Souza): Mr. Oduya, you know very well that this is not a point of order?

Mr. Masinde: I have a few points to mention here, Mr. Chairman, and these are the exact facts, that on this important day we were told that it would appear that everything was organized by Kanu as a political party. They organized all over the country, Kakamega, Nairobi, Mombasa, Kiumu and Nakuru, and we were told how much each of us was to pay at various places and I witnessed how some people came and did not pay anything; they did not pay anything, and they had drinks throughout that night, whereas I paid. Now, this was Kanu, I do understand, if this was the real Government thing, why did we make it a private and entirely Kanu Executive Committee and decide how money was to be spent, and instead of deciding how much was going to be spent they went out and made programmes on how to raise money from various places. That is why they went outside asking people to donate or give them sufficient for their organization, because they would have a holiday over Kenya Day, which meant that there was no preparation made to insure that there was some money given to the provinces.

In June, Government knew that by October there would be Kenya Day. Why did not the Government see fit to bring this sum of money into their estimates? Now, after spending that money—and I do hope that Government knows how it was spent—and that is why it is essential that we be told how it was spent and I do hope that we are prepared to listen to details on how it was spent. If a Minister, or any civil servant said that so much was sent to Kakamega, I will challenge him and deny it, and ask the civil servants how they came by this figure, for Sir, it seems that it was a friendly organized party in various houses and in favour of a few selected friends. Why should a responsible Government spend money and after six months they come and say, now we have spent it, could you approve it? We would like to know how it was spent. Do they want to play with this House?

This is a problem. In June we knew that we were to have Kenya Day. We were all prepared. Government saw fit that we should spend some money and they were out to get some money, and that is why it was for us to allow this. Mr. Chairman, I beg to oppose this.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Oneko): Mr. Chairman, if Members are not going to listen I do not think that they will be at all satisfied.

I hope that the Members will remember that one day the Parliamentary Group met to discuss how Kenya Day was to be organized. The

Parliamentary Group met and decided how Kenya Day was going to be organized and the point was raised by one of the Members how selection would be made and it was agreed that the whole thing must be organized by the Kanu headquarters. This was agreed and later on a committee was formed, the committee which comprised of Kanu General Secretary and also Executive members of the party. Government officials were also represented and the Minister were also in that particular committee. Then the question came as to how money could be found for the celebrations. The Minister for Finance said that he did not have enough money, but he could contribute something towards the celebrations, so what happened was that the Government was in the position of giving only Sh. 70,000, as you see in the estimate. £3,500. Mr. Chairman, Sir, whether Members disagree with me or not, I do not want to qualify my previous remarks. The Government was only in the position to produce £3,500. Now, then the committee agreed with the party participating that they would organize dances in various places and that the people attending the dances would have to pay admission fees; they were free to organize dinners and luncheons in various places in big towns like Mombasa, Nairobi, Nakuru and Kisumu. The committee agreed—When the hon. Member was speaking, Sir, I kept quiet, so I think he might have the courtesy to do the same now.

Mr. Khasakaha: On a point of order, Mr. Chairman, would the Minister qualify his allegations that an ordinary Member is not an hon. Member?

The Chairman (Dr. De Souza): I thought he said "hon. Member", but let us find out.

Mr. Acheng-Oneko: Mr. Chairman, Sir, I know the word to use. I said "hon. Member".

Mr. Chairman, the committee also agreed that transportation of dancers should be paid for by both the party and the Government. The main committee, which was sitting in Nairobi, and Mr. Chairman, I remember well that some Government officers were sent to Garissa to participate in the celebrations on that particular day. If anybody paid on that particular day, they did so as party members or party officials, but it was not strictly speaking, Mr. Chairman, that they were forced to do so. Again, in the districts there were Kanu members who were participating and formed the Districts Kenya Celebrations Committees.

Mr. Chairman, I feel very strongly, that the only thing that Members can ask, and they are quite right to ask, is if there are any details of

Mr. Acheng-Oneko]

figures of moneys which were sent or allocated to the provinces. This is quite in order but to ask who did this and who did that and yet it was a practice to which we all agreed and the money was well spent because it was sent to the Provincial Commissioners who distributed it to the district committees who took care to spend the money the way the district officials wanted.

Mr. Oduya: Thank you Mr. Chairman, thank you very much, Mr. Chairman.

The Chairman (Dr. De Souza): Order, order, please.

Mr. Oduya: Thank you Mr. Chairman, this is, I think a good time for us to learn about our own Government and find out whether the Government is really honest or not honest. To begin with, Mr. Chairman, I was a member of the Kenya Day Celebration Committee in Nairobi and also, I was a member of the committee in Kakamega, so I qualify in these two committees in my capacity as an Elected Member. I was also, Mr. Chairman, the Chairman of the Kanu Co-ordination Committee of Western Province, so I know the facts about this procedure. I think the Minister—Mr. Chairman, let us not cheat the nation or an honourable House like this. What Government Ministers should have done is to know the facts about this Committee, what it did, whether there was any argument about finances, so when a Minister comes here to address the Members he is fully informed on what took place and who was actually on those Committees. There is no use just talking about the fact that Ministers were there, Government officials were there, and executive officers were there with the Party. Now what I want to say is this, Mr. Chairman, when we met up there during this business, I remember very well that the organization was placed in the hands of Kanu as a party to celebrate Kenya Day, which has been there before, even before Kenya Day itself, was released. This day was in being but did not start because Imperialist forces were so strong, it was not a successful meeting day before Kenya was released, but, immediately he was released, the party took over that day as an official day for Kanu, so what happened on that day is that we agreed in our committee that Kenya Day be celebrated by Kanu supporters throughout the country. We also asked the Secretary of Kanu, Mr. Mboya who was not the Minister for Justice at that time, to approach the then Leader of the Opposition, the hon. R. G. Njuga if he could send one of his representatives to this committee, but the Opposition said they could only allow their

supporters to come during the celebration day, but they could not take part because it was purely Kanu, it was not governmental. So, that is what I know about the whole procedure.

Now, the Kadu Party were represented by the Organizing Secretary, Mr. John Keen and, Mr. Washika, who was the Assistant Secretary of Kadu, they represented Kadu supporters and they were told not to take part, because it was not a Kadu's responsibility, it was purely a Kanu responsibility, it was not even a Government responsibility. We are not spending public funds for nothing. This is the position now, when we discussed it the question of money was brought up as to whether the Government could assist, but it would appear that now, if we should say that if the Government would allocate money for this purpose, what would Kadu say because they are also taxpayers. So Kanu was asked if they could run it, but they did not have money in their accounts. They were told to try to ask for over-drafts if they did not have any money so that the branches of Kanu could be given a certain amount of money and we came to the conclusion, that if there was any money at all to be found by a party, such as Kanu and they are willing to support the branches, this money should be turned in to the branches of Kanu and then the Chairmen of Kanu branches in the district will sit down and get themselves some Government officers, like the District Commissioner and what not, to sit and plan for how we are going to spend the money. That was the only thing, the Government was only brought in to assist, to see that, the whole thing was a success, but they had no right to take part officially; they were just to be patrons.

Now, the posters and cards for that day throughout the country were made at Kanu Headquarters and not the Government Printing Press. If the Government Printing Press, if it was a Government thing, I challenge the Minister now, to bring the posters bearing the print of the Government Printing Press, to bring the cards bearing the Government Printing Press, if it was a Government organization, because we want to know where this money went.

I am still coming to the question of money, but it is thought by the public outside that this was spent and it was a Government thing because this and that was done by the Government. Now, the posters, the dances, the cards for dinner and dance in Kakamega, I carried myself, I didn't get any allowance. Now, where was the money spent, if I did not get an allowance and I did the work. Where is this money?

[The Minister for Information, Broadcasting and Tourism]

the money to the District Commissioners in their allocations, according to the number of people in that area. This is how it was distributed, and again, even in the former Celebration Committee, the Independence Celebrations based our allocations on population figures. These are the figures that have been given.

Mr. Shikuku: Mr. Chairman, I beg to move a reduction of £1 on the sum of £5,869,219 of Vote 11—Ministry of Home Affairs.

I do this, Mr. Chairman, in order to facilitate an opportunity whereby we should get more information as to this amount. The amount of £3,500 which is put down here is a large sum of money, and a full explanation should be given to us, as one of the hon. Members has said, to prove that the money was well spent. If I may put the views already expressed by the hon. Member for Lurambi, the Western Province had hardly anything, and we were told that the province had received so little, but we could not argue with the civil servants, because we did not have any information with us. It would only be in the interest of the people in the Western Province, and the interest of the civil servants in the Western Province, that we in this House, would be much better off if we were furnished with information from the Minister. As a matter of fact, Mr. Chairman, most of the people there did not enjoy their Kenyatta Day at all, and if I may say so, some other parts of the country as well.

So, Mr. Chairman, when I move this reduction, I feel that the Minister should let us know how much was given to each province, and how much expenditure was carried out, and if there have been any complaints at all, it should be thereby rectified.

So, Mr. Chairman, I give a chance to all other hon. Members to air their views.

Mr. Omari: Mr. Chairman, I also raise to support the Motion, because I can remember very well that in the Coast Province, the taxpayers were asked to contribute funds towards the Kenyatta Day. They were told by the District Commissioner and by the District Officers, that the Government did not have the money to provide them, and the best thing to do was to give from their own pockets, which they did. Some of them contributed cows, cattle, and others drink. In Mombasa also, I can remember very well that the council was asked to allocate some funds for Kenyatta Day, and it comes as a surprise to me that the Government spent some money on Kenyatta Day. I would like very much

to know, Mr. Chairman, the amount which was given to the Coast Province, the Central Province, the North-Eastern Province, and all other provinces in the country. It should be shown to us so that when we go back to our constituencies, we can tell the taxpayers that they were given so much money on Kenyatta Day, and you can ask the District Commissioners or the Provincial Commissioners the amount that was collected from the taxpayers, and the amount that was sent from the Ministry of Finance, and give them an account of what this money was spent on.

(Question proposed)

Mr. Ngala-Aboki: Mr. Chairman, Sir, just to make the Minister understand what I consider to be the motive behind the moving of this reduction, as far as I am concerned, I would just like to relate a story concerning the usage of money so sent. I do not care whether what I am going to talk about concerns the Republic Celebrations or Independence or Self-Government Celebrations or Kenyatta Day, but as far as I know the money used for this sort of celebration must have a system with which the civil servants will comply, as far as its usage is concerned.

Now what happened at Homa Bay recently is that the District Officer or District Commissioner now had some funds sent to him by the Government. What happened in the district was that he asked for a committee to be set up; a committee was formed and the committee contributed towards the celebration of Kenyatta Day in district. Now, later on, after the celebrations, the people claimed that he did not call the committee to know the amount of money the Government had sent him and also to participate in the discussions regarding how the money was going to be distributed and for what purpose the money was going to be used particularly for buying of oxen and other food stuffs-like chicken. This was not done. This District Commissioner was accused of ordering some bamboo from his own district and in fact there were serious demonstrations against the District Commissioner concerned. Now he could not defend himself, and he could not explain what money was sent by the Government, because he had no committee to help him to use the money, and also to prepare a proper account, and send it back to the Ministry that sent him the money. There was no satisfactory explanation as to how this money was used. We know that we, from time to time, have big functions where the public will be asked to contribute either for celebrating Kenyatta Day or remembering our Republic Day or something like that, and I know that money is sent to the District Com-

[Mr. Ngala-Aboki]

missioners or Provincial Commissioners. If there is no proper system to know whereby these people will be spending the money, it will be our Government to blame, and therefore, I am sure that the Ministry should not just have sent the money out without laying down principles on which the money was going to be used, and how the accounts were going to be checked and how the public was going to be informed as to how much money was sent to them, how much was going to be used and the money collected by the people themselves, how it was going to be used to the benefit of these people. Many people went to these celebrations and they expected to get some tea. If it was tea, we would not touch it. Now this is not a laughing matter, because it is true. The Minister will prove it today by producing the accounts and by producing the detailed system by which this money was operated, then we shall believe that he has some clue as to how he should serve the Ministry in the proper use of the money, otherwise this may cause a serious demonstration like that which took place against the Government officer, people thought it was a tribalistic sort of move, but there was nothing. The case was put as to what happened to the money sent for them, and when he came for the day to make sure that money was well spent, we found that the District Commissioner was alone to blame because he could not call a committee to judge and talk on how the people were going to be entertained. The unfortunate people were said to have lost possible pays in the area just to drink a cup of tea and go, some of them were people who had contributed quite a lot. So in the interests of our Government, the Ministry of Finance, should particularly, explain the systems 1, 2, 3, 4, and 5 up to 10, and to how they have reached the conclusion that £3,500 was used and well spent.

Mr. Chairman, Sir, that is all I wanted to say.

Mr. Khasakhala: Mr. Chairman, Sir, I cannot say any security risks in the Minister giving us facts about this money which has already been used. If it was information leading to security disclosures, difficulties or to get information, then there would be a good case for us to be told well wait because of security reasons. But this money, Mr. Chairman, has been spent. What we need is a very simple thing. How much money was spent in the Western Province, how much was spent in Central Province, how much was spent in the Coast Province, Eastern Province and so forth? A simple thing like that, Mr. Chairman. Why should the Minister panic on giving us this information? It then means that this money was

used in one place and not everywhere. If not we should be told, because from what I know, Mr. Chairman, just as my colleagues have already stated, there were no celebrations throughout Kenya, it was only in Central Province, Nairobi, and a little in the Rift Valley. But in the other areas, Mr. Chairman, we did not receive any money.

Secondly, the Minister should tell us clearly whether this money was spent in celebrations where Government Ministers went, because in other places like Western Province we had not all the Ministers standing there, because no money was sent there. Could we then get the information, Mr. Chairman? We do not want to go on wasting too much time on a matter like this because this money has to be used. We want the facts. It has already been spent. Could he give us these facts?

Mr. Ekitella: Mr. Chairman, and hon. Members please do not laugh. I am really very serious about this. It is very important that the Minister should tell this House all the details now. Mr. Chairman, I do not want to shout so much, but I am sure these things come to emphasize ourselves when we do not want to speak to our people. What about? When I go to my own estate and my own people have talked to me and asked me what have you done for me? Nothing. All right. I do not like to state anything to them, but the Ministers are embarrassing us and embarrassing themselves also. I am sure Mr. Chairman that I can speak sensibly and it is quite true, that I should like my people to be given a test.

Mr. Khalif: Mr. Chairman, I think we in this House would fall in our duties if we were to approve the spending of a sum of money without being told how it was to be spent. Mr. Chairman, the Minister for Information has just said that this money was divided into various regions in accordance with the number of taxpayers. That could be true, but as far as the North-Eastern Province is concerned, I think I am right in saying that there was hardly anything at all sent, because, during the Kenyatta Day Celebrations, the public had to contribute their own money, and there was not a single cent. If I may say, Mr. Chairman, which was sent by the Government to the Regional Headquarters in the North-Eastern Province. So, I think it would be very wrong for the Minister to imply that this money was divided into various provinces in accordance with the number of taxpayers. If he intends to imply that, then it might look as if in the North-Eastern Province there are no taxpayers.

(Mr. Masina)

amount of money which is required. The purchase of vehicles is a lot of money. I would like to know how many vehicles can be purchased by this amount of money, about £50,000, and what type of vehicles are they, because there is a rumour that the Government bought a lot of vehicles that were cheap, and that they were not good enough. We would like to know what type of vehicles have been used, and who approved that this type of jeeps should be bought.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Chairman, Sir, the security situation in the North-Eastern Region has been very difficult for Kenya, and in the recent months, there has been a very big improvement. It has not just come automatically. It is because we have been planning to make our force more mobile, to move faster, and we find it very difficult to disclose all the details of the North-Eastern Region operations at this stage, because of security reasons and we do not want to give all the information to unfriendly ears elsewhere. We have decided to finish the *Shifia* menace over there quickly, so that we can use our energies elsewhere, and one of the ways is making our units over there mobile, and efficient, giving communications under difficult conditions, roads, aircraft, constant repairs, and therefore, you require new Land-Rovers more often than the ones which are in Nairobi.

Therefore, since we are determined to get rid of this menace quickly, we are to spend a little more money to have the people bothered no more by *Shifia*, so that they will have their chance for development, schools, health services, water supplies, raise their cattle and so on.

Mr. Chairman, Sir, this is why we have these additional Land-Rovers that have been purchased.

Mr. Khalil: Mr. Chairman, Sir, my experience at present with regard to police vehicles in the North-Eastern Region is that there are only 9 in the whole region.

Now, Mr. Chairman, the additional sum required here is £49,790 in addition to the original estimate of £30,400. Mr. Chairman, if we assume that the Government is going to buy Land-Rovers, with this money, it would seem that the Government would have to buy about 49 Land-Rovers, because the normal price of a new Land-Rover is about £1,000.

Dr. Mungai: Mr. Chairman, Sir, although I have respect for his knowledge of the North-Eastern Region, I would not agree with him that he knows the strength of the forces in the North-Eastern Region.

Mr. Chairman, Sir, they are part of the force, and I therefore, can talk in terms of police as a force. The police are fighting and keeping law, order and security in the North-Eastern Region. So, I would ask the hon. Members not to necessarily take the figures given, because they are not necessarily the correct ones, and because of security reasons, we are not going to disclose the actual number in the North-Eastern Region. We are prepared to let you know the amount of money we are spending, and as I said before, we intend to get enough Land-Rovers to finish the job quickly. We need them because the men are there, not only to purchase the vehicles as a whole, but we need replacements and repair. When you consider it in terms of a Land-Rover in the North-Eastern Region, the hon. Member will agree with me that a Land-Rover is finished very quickly. It is not like in many other parts of the country, and this is why you cannot calculate that because one Land-Rover costs £1,000, therefore, £40,000 is going to buy 40 Land-Rovers. You have to make a lot of allowances because of the poor road conditions over there and the hon. Member, Mr. Khalil knows that.

The Chairman (Dr. De Souza): I think, in view of the explanation given by the Minister—

Mr. Oduya: I have another thing to mention.

The Chairman (Dr. De Souza): All right, we will allow Mr. Oduya to speak.

Mr. Oduya: Mr. Chairman, Sir, when we were discussing the Budget, the same Minister, the hon. Minister for Defence now, did assure me— Mr. Chairman, while I am talking the Minister is just talking to his colleague. He did assure me in one of his minutes, when I raised the question of a need for a vehicle at Busia Police Station, to combat stock theft, and I also asked him to buy a police car for the police headquarters, and he assured me that when the Government found it necessary to buy more vehicles for the police in the country, the question of Busia would be considered, and at another station, the question of a Land-Rover would have to be considered. What I am asking the Minister is to tell me whether this amount here covers the need for these areas to have their two vehicles?

Dr. Mungai: Mr. Chairman, Sir, I am talking in terms of the financial year which we have not yet finished, so having talked in those terms, we must take first things first. I hope all hon. Members do remember that Kenya is at war in the North-Eastern Region, and right now, Busia is not being attacked.

(Dr. Mungai)

Sometimes it may be a laughing matter, because some hour. Members do not know that there are some people who are being killed and threatened all the time by armed men and gangs in the North-Eastern Region, and they must have feelings for every part of Kenya, particular when a particular place is in danger. We, therefore, have to finish this, and we are considering Busia as well. I do remember what I promised, and I do consider it, but sometimes we have to give priorities to the needy areas first, whereas we do not forget the other areas, and we assure you that we are going to cover them. If Tshombe wants to attack Kenya, we have men in Kenya to fight him.

The Chairman (Dr. De Souza): We will carry on now.

(Head E agreed to)

VOYE II—MINISTRY OF HOME AFFAIRS

Head A (7)—Kenya (a) Day

Mr. Pinto: Mr. Chairman, Sir, could we know whether this was in respect of money already spent?

The Minister for Finance (Mr. Gichuru): I have already said that it has been spent.

Mr. Pinto: Mr. Chairman, is it normally the procedure that the House is called to approve expenditure which has already been incurred?

The Chairman (Dr. De Souza): Are you asking me, or the Minister?

Mr. Pinto: I am asking the Minister, but I am addressing the Chair.

The Chairman (Dr. De Souza): I think I can answer that. Personal expenditure has to be undertaken. It was not foreseen at the time.

Mr. Pinto: Can we have an assurance from the Minister to this Committee, so that we can all be informed?

The Minister for Finance (Mr. Gichuru): I think there will be no difficulty in the matter dealing with this task, and I could give that undertaking, but I am quite sure this was given by the President the other day. The money was advanced from the Civil Contingency Fund.

Mr. Masinde: Mr. Chairman, Sir, that is the same question as I asked previously. I was in the countryside, and what happened is that various people around the district complained that during the time of spending this money, some districts did not even get anything, and

some other areas did. Now, Mr. Chairman, I would like to know how this money, £3,500, was distributed to the districts?

The Minister for Finance (Mr. Gichuru): I cannot give an exact breakdown of how much was spent in each region, because there were functions at every headquarters of the region. Exactly how the distribution went, I could not say, but I could say that definitely the money was well spent round the whole country.

Mr. Masinder: Mr. Chairman, Sir, then with this one, it means that it is a very bitter question, because there have been some rumours about the civil servants misusing these funds, and that is why it is in the interests of this House to know exactly how this money was spent. If money was distributed to a particular province or region, and it was misused by any of the civil servants in the province, then we must know how much went there and, if necessary, we shall commission the police to inquire how this money was spent. That is why it is necessary for us to know full details; we want to know how much was sent to all districts and regions.

The Minister for Finance (Mr. Gichuru): I think the money was in proportion to the population in the various areas.

Mr. Ngala-Abok: Mr. Chairman, my question is very simple. Would the Minister explain how this money was distributed for use, and the system employed for the distribution of this Kenya Days Celebrations Fund, and what instructions the Minister received regarding the use of the particular Fund. I think that will make the Minister understand what we are driving at. We want to know the system employed in the Ministry for the usage of these Funds, whether on a certain level, or in equal proportions or what. This is just to show the Minister that the Members are keeping an eye on the system devised by the Ministry for the use of the Fund.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Otienko): I would like to explain to the Members how the money was distributed and how the Government operated this fund. First of all, the Government had to take into account, not just the mere population of the areas concerned, but as you know we have about seven provinces in the country, and the number of registered voters were taken into consideration, because it could not be done otherwise, and then the money was allocated. That is the most reasonable figure we have so far, that the money was distributed to the provinces with a request that the Provincial Commissioners should distribute

The Chairman (Dr. De Souza): Well, I will take the opportunity presented by this occasion, Mr. Oduya, to remind you that if you use that type of language again—you must appreciate that this is a Parliament and you must treat hon. Ministers and Members with the respect they deserve. If you use this type of language you will be asked to leave the Chamber.

Mr. Oduya: On a point of order, Mr. Chairman, I move that the House do now adjourn.

The Chairman (Dr. De Souza): We were just put that Motion, we are not putting it again. No, we are now going to Vote 8, Ministry of Internal Security and Defence.

VOTE 8—MINISTRY OF INTERNAL SECURITY AND DEFENCE

Immigration Department

(11, 12, 13 agreed to)

14—Miscellaneous Other Charges

Mr. Gichoya: Mr. Chairman, I, 4, Sir, Other Charges. So far—I will not go back to other items because you have already rushed them.

The Chairman (Dr. De Souza): No, Mr. Gichoya.

Mr. Gichoya: Mr. Chairman, Sir, there was a confusion here in my mind particularly.

The Chairman (Dr. De Souza): We will pass over that, carry on.

Mr. Gichoya: What are these Miscellaneous Other Charges, when I see more or less Personal Emoluments, House Allowances, Passages and so forth, what is covered by miscellaneous and other charges?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I am advised that these Miscellaneous Charges are, in fact, miscellaneous charges which have been accepted in the original estimate but in a section which came over from another Ministry, and there is no difference from the original ones which were passed by this House.

Mr. Gichoya: Mr. Chairman, Sir, so far as I can see, in terms of the previous Ministry, we had the Ministry of Home Affairs dealing with Internal Security—no, it was the President's Office dealing with Internal Security, and the same responsibility has been handed over to a Minister specifically appointed to take charge of that Ministry. What I want to know is this, Sir. In the

past it used to be in the orbit of the Prime Minister's Office and you could either call the Prime Minister the Defence Minister or call him the Prime Minister, but in all cases we would like to know the items stipulated, because I do not see the point here as to why we should just come to debate something instead of being told why. This has come to be the order of the day, that these estimates, having been arrived at by the Council of Ministers of the Kenya Government, go by protocol, without any debate over them. Not even when there is a waste of public money, we cannot do anything else. We are now here in this place asking for clarification of these things.

Mr. Gichoya: I think if the hon. Member looks at the bottom of page 9, that reads: "As a result of the Constitutional changes, the responsibility for the Department of Immigration passes from 12th December to the Minister for Internal Security and Defence. This Supplementary Estimate effects the transfer of provision from the Ministry of Home Affairs where a corresponding reduction is reflected." In other words, we are not asking for anything new. It is the same amount that was there.

(14 agreed to)

(15 agreed to)

VOTE 9—POLICE

D—Replacement and running expenses of motor vehicles and aircraft

Mr. Gichoya: I see, Sir, we have added something extra in terms of police motor vehicles and aircraft. Could we actually know to which places these motor vehicles have been added and also the number of aircraft we have in the country.

Mr. McKenzie: Mr. Chairman, I am certain now that the hon. Member who has just spoken has not done his homework, because if he had done his homework, instead of wasting Ministers' time he would have read (d) at the bottom there, where it actually tells him where the replacements are for. They are for twelve Land-Rovers to provide additional vehicles for use in the North-Eastern Region and by the General Service Units.

Mr. Shikuku: Mr. Chairman, I understand (d) as explained by the Minister but there have been cases on various occasions in this Parliament when we have heard that the police could not get to places where crimes had taken place because of shortage of petrol.

The Chairman (Dr. De Souza): No, no, Mr. Shikuku, that has got nothing to do with this.

Mr. Shikuku: I was just trying to raise the question as to why Kakamega District was not included in this.

The Chairman (Dr. De Souza): You can ask for information as to what the £3,000 is about but not to say that—

Mr. Shikuku: Yes, but I do not see why, with regard to this £3,000, they did not include places other than the Northern Frontier District.

Mr. Gichoya: Mr. Chairman, Sir, the Minister has accused the Member for Gichugu of not doing his homework. The point which he is talking about is the replacement and running expenses of motor vehicles and aircraft. In the first place, now, there is shown, the cost of reconditioning twelve Land-Rovers. Now if the Minister himself does understand the grammar of the English language, he will agree with me that the aircraft are not covered by Land-Rovers. Twelve Land-Rovers do not make even a single aircraft, unless he has been given mathematical calculations that one Land-Rover in the Kenya Government service equals one aircraft. So I would like to know the number of aircraft involved in these twelve Land-Rovers, which are being merely reconditioned.

Mr. McKenzie: Mr. Chairman, what has taken place here is that because of the extra mileage which has had to be done by Land-Rovers in the North-Eastern Region, the replacement and also the reconditioning of these vehicles has come about sooner.

The hon. Member may think that this is a laughing matter but this is a matter which is being dealt with by our security forces who are fighting up there. This is no laughing matter, Mr. Chairman. These twelve Land-Rovers are urgently needed and what has happened, Mr. Chairman, is—and I understand also from what I have been told that a certain type of aircraft has also been used additionally to what was originally estimated. This means that the hours of service in engines, etc., has come forward quicker than normal had we not had this trouble in the North-Eastern Region, and finance is also needed for the extra running expenses of the aeroplanes. After an aeroplane has done 250 hours, it has to be brought in, and the engine has to be overhauled.

To me, this is the explanation after anybody has read (d). I fully admit that nothing has been said about an aeroplane, but an aeroplane is no different to a Land-Rover, in fact, it is more expensive than a Land-Rover, because when it has

done a certain number of hours, it is not allowed to fly. It must then be reconditioned.

Mr. Ngala-Abok: Mr. Chairman, as far as (d) goes it is just the replacement and running expenses of motor vehicles, in fact, at this particular place, aircraft have not been referred to. It would have included aircraft as above, but we would like to know why the aircraft has not been mentioned down here, and when the explanation comes, the cost of reconditioning Land-Rovers to provide additional vehicles for use in the North-Eastern Region and by the General Service Unit. The aircraft itself is not referred to, but the motor vehicles, which are now represented by twelve Land-Rovers are referred to. This is just a question of clarification, Sir.

Mr. McKenzie: Mr. Speaker, I would have thought that hon. Members had been in this House long enough to understand exactly what supplementaries are. There is a heading, and the heading right the way through the previous supplementaries are here: Replacement of Running Expenses of Motor Vehicles and Aircraft. If you have more money for it, it may not be for the aircraft, but only for Land-Rovers, but the heading includes aircraft, and that explains exactly what the money is for. It does not mean to say that they have to put in there what money is being spent on aircraft. I gather that the money being spent on aircraft is being obtained from elsewhere and that this £3,000 is, in fact, only for twelve Land-Rovers, but the heading in the original Supplementary Estimate is Motor Vehicles and Aircraft, and hon. Members would be misled by Government if we took out the words "and Aircraft". That does not mean to say that in a supplementary there has to be money for aircraft.

The Chairman (Dr. De Souza): I think we have had enough now. We do not want to follow up the same points over and over again. It has been explained quite clearly now.

Mr. Gichoya: Dut, Sir—

The Chairman (Dr. De Souza): No, I am sorry, Mr. Gichoya, I have to seek the convenience of all the Members of the House, not just one person. I think you have had the chance to ask your questions.

(Head D agreed to)

Head E—The Purchase of Additional Vehicles

Mr. Masine: Mr. Chairman, Sir, I hope the hon. Minister will not come and say that we do not understand this. It is clearly stated in the

[The Chairman] clear, and I think I made it clear, that it is impossible for anybody to forecast exactly what journeys are going to be made next year, and when and how. It is a rough estimate, a rough calculation, and I think that is as much as one can get. I do not think one can go much further. I do not know if Mr. Gichuru wants to add anything to this. If not, I think we will go to the next heading. We will never get through otherwise. We have got a big Supplementary Estimate and we have got to get this Estimate out.

(Head A4 agreed to)

Head A6—Miscellaneous Other Charges

Mr. Masinde: Mr. Chairman, I think the House would also like to hear a little from the Minister for Finance, giving us a bit of a breakdown of this £4,805, which is a very big jump from more than £3,000. If the Minister could breakdown some of the items for which this money is spent I think we would be very happy to say O.K.

Mr. Gichuru: I must confess, Mr. Chairman, that I have not got the breakdown with me here, and therefore—

An hon. Member: Why not?

Mr. Gichuru: If the details—

MOVING FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE

(Under Standing Order 35 (b))

Mr. Omar: On a point of order, Mr. Chairman, this is the second time that the Minister for Finance has given an excuse that he is unable to give us figures for information required by Members because he has not got them. I wonder whether it would be proper to adjourn the House until such time that the Minister has all the information that is required by the Members?

The Chairman (Dr. De Souza): You can move the adjournment on this.

Mr. Omar: I, therefore, move the adjournment.

The Chairman (Dr. De Souza): You have got to move that the Committee report progress and beg leave to sit again tomorrow or the next sitting day.

Mr. Omar: Yes.

The Minister for Information, Broadcasting and Tourism (Mr. Okeko): On a point of order, Mr.

Chairman, if the hon. Member is only asking for an adjournment of that particular part, could we not leave this and consider the rest of the estimate concerning the other items, rather than adjourn?

The Chairman (Dr. De Souza): Mr. Okeko, I see your point of view but I am afraid that even then we cannot go back to other items; we have got to follow them up.

If there is a question of whether there is going to be an adjournment or not, we normally do not allow much of a debate but I think I will allow one or two Government speakers.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I feel that if hon. Members will agree, it would be far better if we could devise a system whereby the remainder of this Vote be left until the end and for us to get on with other Votes. There are Ministers here who have got the breakdown and I challenge hon. Members when they come to my Ministry to try and catch me out when I cannot answer? I know there are other Ministers who have got them here. Therefore what I would like to suggest is that we leave this Vote for the time being and go on with the other Votes, because if you want to get on with this Supplementary Estimate, I would like to say that certain Ministries are being held up now because of this Supplementary Estimate and cannot act.

The Chairman (Dr. De Souza): Maybe Mr. Omar would agree to that, would you?

Mr. Omar: No, Mr. Chairman, I do not agree to that.

The Chairman (Dr. De Souza): Well, I will put it to the vote then. If Mr. Omar will not agree, and Mr. McKenzie has made his point—if the House does not agree then there will be no adjournment and we can proceed with Mr. McKenzie's suggestion and go on to Vote 7.

The Vice-President (Mr. Odinga): Mr. Chairman, I would like some clarification on this because normally I do not know whether it is necessary for a Minister to give a breakdown, because you can see written here the money voted in previous years, expenses and also the additional money required and I do not think the Ministers should waste the time of this Committee.

The Chairman (Dr. De Souza): I think I must give a ruling on this. Members of this Committee are all entitled to ask for such information as they think it will assist them to decide which way to vote. It is their prerogative, naturally, to

[The Chairman]

ask for a breakdown of the Miscellaneous Charges; and in the past we have always asked for breakdowns. I myself can remember when I was in the Opposition, with Mr. Gichuru, and Mr. McKenzie, we wanted to ask questions even as to how many teachers there were in a particular school and what race they were and so on and so forth. But the point is this: I appreciate the point of view of the Government and it is possible that this particular Ministry, for reasons that are best known to itself, is not just now that is equipped to provide all the information that the hon. Members would wish. I think probably Mr. McKenzie's suggestion is quite good and that we should leave this Ministry and go on to the next Ministry and they come back to it on another occasion, when, in fact, this Ministry has got the information, rather than lose an hour and a half of a sitting day and adjourn, if, in fact, we are going to adjourn.

The Minister for Information, Broadcasting and Tourism (Mr. Okeko): On a point of order, Mr. Chairman, I think it would be fair, if the hon. Members are making such a negative approach to the whole thing, I think it would have been much better to agree to continue with the work, go into details of the other Ministries which can supply information required by the Members do so, if we continue tomorrow. I am not opposing the hon. Member's suggestion; I quite agree with the Members that they should get the information they require and I think that is the duty of this House.

The Chairman (Dr. De Souza): Well, I think we have had enough points of order now. I will now put this to the vote, because when a Motion of Adjournment has been proposed, it should, in fact, be put to the vote almost immediately; we should not have a full-scale debate as to whether we should adjourn or not.

Hon. Members have heard the points of view expressed by Mr. McKenzie and the Vice-President, and also the appeal made by the Minister for Information, and I think they will obviously take that into consideration.

(Question put and negatived)

The Chairman (Dr. De Souza): I think, in view of the suggestion made earlier, we will leave Vote 6 and this, I think, is with the consent of the Minister for Finance, that we leave Vote 6 and proceed with Vote 7.

Mr. Gichuru: Yes, Mr. Chairman.

(Further consideration of Vote 6—Office of the President, with the leave of the House, was postponed)

VOTE 7—MINISTRY OF EXTERNAL AFFAIRS

Mr. Masinde: On a point of clarification, Mr. Chairman—

The Chairman (Dr. De Souza): There is no point of clarification here, Mr. Masinde. Go on, then.

Mr. Masinde: Mr. Chairman, I would like to seek your guidance on this. What is going to happen as we have decided to leave Vote 6? If we cannot get another answer, if, say, the Minister jumps up again and says he has not got the information, what is going to be the position?

The Chairman (Dr. De Souza): If the Ministers regularly find they do not have the answers to a question, then, of course, the House can move another Motion of Adjournment, but it is to be hoped that Ministers will come prepared with answers.

The Minister for Information, Broadcasting and Tourism (Mr. Okeko): Mr. Chairman, we are here to do our duty to the country and if we find that with Vote 7, the same thing applies then we can jump on to another Vote and go through the whole Estimate; I think if we can do it that way it would be of great help to this House.

An hon. Member: No, no, no.

The Chairman (Dr. De Souza): Order! I am not taking any more points of order. In view of the fact that the Minister for External Affairs is not here, I think we will leave that alone and take Vote 8.

Mr. Oduya: On a point of order, Mr. Chairman, what I am surprised at is that today is a Supplementary Estimate day, but the Ministers seem to be unaware of this and has not come. Now if the Minister for External Affairs is not here, he should be sacked.

The Chairman (Dr. De Souza): No, no. Order, order! This is very unparliamentary language, Mr. Oduya. We are here in a Parliament. You must withdraw that remark.

Mr. Oduya: I am sorry, Mr. Chairman.

The Chairman (Dr. De Souza): No more points, please sit down.

The Vice-President (Mr. Odinga): On a point of order, Mr. Chairman, the hon. gentleman has used that language so often, could you ask him to remember not actually to use it so often?

[Mr. Gichoya] Minister and another. I am interested in knowing exactly, when meeting our people, about these payments, what the items are which are involved. I must be an expert in the policy of the Government, an expert in terms of the law here when it is being applied wrongly outside. I must say it is wrong because I know how we pass it, but here the Minister may feel that I am doing it to humiliate him or another Minister or partly to disappoint or humiliate the President.

The Chairman (Dr. De Souza): I think I should make it clear that we are not here discussing policy making—you cannot make a speech.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I think it ought to be made very clear that there is no question of hiding any information; it is not in the interest of the Ministers here to hide any facts. Normally, I do get briefs from every Ministry, it is just unfortunate that I did not have this one, otherwise I could produce all the facts and figures and I shall make sure that tomorrow, when we go on with the rest, I shall have all the books ready here for any such details.

Mr. Khasakhalu: Mr. Chairman, Sir, we are not being difficult with the Minister, what we are seeking is just information. Originally we voted for £4,000—just a few months ago—and now that figure has been doubled, not even doubled, but much more, trebled. The additional figure we now require is £14,000. Now, a trip to London and back, where leave is taken, or to India, would not cost more than Sh. 7,000 at reduced rate for the return trip for one person. If we want a sum of Sh. 280,000—let us go to shillings—divided by one thousand, then it means that we have so many people who are not there, who have come there, and these many people who were not there have come there and we want to know how many there are and where they came from. They cannot be only from the Office of the Governor-General, they must have been somewhere else and they are being brought here.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Chairman, I would like to say something on this particular item. As the hon. Members know, the Office of the President is in charge of the Administration, the Provincial Administration. The sum of £4,000, which was voted for the Office of the President covered the expenses of a small staff which was working in the Prime Minister's Office, as it was at that time. After the constitutional changes, we had the entire Administration under that Office, that is to

say, the Provincial Commissioners, the District Commissioners—

An hon. Member: Do not call them that they are all black.

The Assistant Minister, President's Office (Mr. Nyamweya): I know that they are all black, but what the hon. Members try to forget, is that even though they are black, they are entitled to leave expenses and, Mr. Chairman, indeed, the Vote has had to swell in the way in which it has been reflected in the Supplementary Estimates. If the hon. Members could only realize how large the Administration is and the size of the staff we have in the Administration, they could be well satisfied that we are not trying to be extravagant in this particular aspect.

Mr. Muliro: Mr. Chairman, I do not know what the hon. Members are actually worried about. I think that one point about which the hon. Members would like to know is how many people are involved in this exercise. But the arguments which have been advanced by some hon. Members are completely invalid because many of them think of leave and passage expenses as for people going overseas. When someone goes to Mombasa, it also requires money to go to Mombasa. Also, someone going to Kampala for leave requires the same amount. I do not see anywhere it says leave and passages. This might even include someone going to rest at Kisumu. Therefore, I think that if the Minister would only be kind enough to promise hon. Members, who have questioned this, that the number of people involved would be given to them, then we could proceed, we do not want to hold the House up.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I did promise that definitely I would get all the figures and the names of the individuals, if they are required.

(Head A3 agreed to)

Head A4—Travelling and Subsistence Expenses on Duty

Mr. Gichoya: Mr. Chairman, Sir, we have already just agreed that the Travelling Expenses do not come under the Passages. Assuming that—

The Chairman (Dr. De Souza): I think, Mr. Gichoya, that it says "Expenses on Duty", travelling on duty, and this is different from leave pay.

Mr. Gichoya: Yes, Sir. I think that when somebody is travelling on leave, he is equally on duty inasmuch as he has not been dismissed from the service; he still remains in the service. Now,

[Mr. Gichoya] we would like to know whether the Travelling Vote is for the President's travel or for the staff members, and if the travel is for the staff members, how many such journeys are envisaged per year unless and until there is an emergency involving extraordinary journeys. I say this, Sir, because if it were the question of the President travelling, say to Gatundu, I would like to know in that case how many persons he is entitled to carry with him to spend the Government's money when travelling to a particular place. If it were the question of civil servants, how many civil servants are entitled to move from Nairobi headquarters, using the Government vehicles and Government petrol? At one stage, Mr. Chairman, Sir, I was told that we could not get petrol for a policeman to go and help a dying person in a village within the Kirinyaga District; yet the next morning the very same vehicle which had no petrol was available for the patrolling of the same area, because Ministers were going there. Now, I would like to know specifically how many people are going on these travels, the number of civil servants involved and the Ministers.

The Vice-President (Mr. Odingsa): Mr. Chairman, I think the hon. gentleman is trying to ask the Government to give far too many particulars, because how, indeed, unless he wants to get into the position of the Ministers, can he actually think for them and also move for them, because the Ministers are responsible. What actually has to be done is to limit expenses, and that is what we are doing here. Your only question should be whether you think that is too much, or that is too little, in which case, you would like to put it, but do not think we should become involved in minute details or I do not think you will ever pass any of these Supplementaries—

The Chairman (Dr. De Souza): It is up to the Minister for Finance to decide exactly what he feels he would like to do. It is quite understandable that it is impossible for Mr. Gichuru, after all these are estimates, to say which individual journey will be undertaken and where and how many persons will travel in each car. It is physically impossible for anybody to say that in the next year how many people will go on a particular trip, he probably does not even know exactly what trips will be made. I think it is a rough estimate and you can give him some guidance if you would like. Let me agree with Mr. Odingsa that it is not possible to go into such contingencies.

The Minister for Finance (Mr. Gichuru): Thank you very much for helping, Mr. Chairman. I

was asked how many journeys and the estimate is that there will be £8,000 worth of journeys, that is why we have £8,000 down here.

Mr. Gichoya: What is more important here is that it is wrong for the Vice-President, it is equally wrong for the Minister for Finance to come and tell the House that half these dealings are given by the Cabinet. What we want to know, and particularly Gichoya wants to know, is that when I am sanctioning this money for how many journeys per year, because this is a matter of mathematical calculations, you cannot arrive at a figure at random, just say from my own head, we want to know exactly how many journeys are involved per year; not exactly because some perhaps may move, savings and additional journeys, but we want to know how many journeys are expected to be involved for this payment. And, Mr. Chairman, I feel it is not in keeping with parliamentary procedure when we come to a question of money that Ministers can take it wrong, that when we try to find out the facts we are trying to put them in a tough spot. We are going to give you the money; this is the assurance that we are giving; the Ministry is going to get the money for this but we want to be assured as to its purpose. These are hot small things and unless the Minister was ill-informed or badly briefed by the officers involved in calculating these things, I think it is very wrong for this House to accept the estimates, just as they are. We are actually charged with a very tough responsibility, Sir, and the Cabinet is equally charged with a higher responsibility than we, the Members. But the success of the Cabinet is based on the Members being enlightened as to what the Cabinet is doing and that is why I say the Vice-President is very wrong in coming to tell us that "the money is too much" and that we want to run the Ministry. We are not interested, Sir, in being Ministers.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, may I seek your guidance and ruling on this? Are we not dealing with A 4 now, which is expenses of officers whilst on duty?

The Chairman (Dr. De Souza): Yes, I think, in fact, I did make this quite clear, that we do not want to go into a full-scale debate on this Ministry; all we are trying to do, in fact, is to elicit certain information. I think that as far as this particular heading is concerned, we have got as much information as we are likely to get from the hon. Minister for Finance and I do not think there is any point, Mr. Gichuru, in pressing a point when Mr. McKenzie has made it quite

[Mr. Gichoya]

of the opinion Sir, wrongly) or rightly, that the staff that was within the Prime Minister's Office did get transferred from the Prime Minister's Office to the President's Office because the Prime Minister is the same as the President today, and if at all they were adding an additional number of staff members to facilitate the working of the President's Office, we would like to know exactly how many were added on and how many were there before in the two places, because there could be an additional number of staff members in terms of the President's Office, more than the former staff members of the Governor-General. At the same time, the former number of the then Prime Minister might perhaps have been increased so these are the things I would like to know from the hon. Minister.

Mr. Gichuru: Mr. Chairman, I think, it should be remembered that included in the President's Office is the Administration, which was not there before and, therefore, this is the reason why you have savings, which you could have seen if you had studied this paper as well, because you see, the Minister for Home Affairs has paid £120,000. This money comes over automatically into the President's Office because this is where some of the services are now situated. It is because they have changed over that you find an increase in the President's Office as well as some savings being made elsewhere, because the services have been moved from one place to another. Similarly, if you look at the savings in the Ministry of Finance, it was because the Ministry was split, so there is a saving.

Mr. Gichoya: But, Mr. Chairman, Sir, I am very happy that there are savings, but my question has not been answered by the Minister. What I want to know is, how many staff members from the former offices of the Prime Minister of Kenya, which is now the President's Office and how many staff members were taken from the former Governor-General's Office to make up the present staff members of the President of Kenya, Sir. The Minister is not prepared to tell me.

Mr. Gichuru: I am.

Mr. Gichoya: He is only telling me there are many savings and there are additional members perhaps from the Ministry of Home Affairs. These are the things I want to know. I know there are savings and I can see it, but how did there come to be savings, how many members are involved in this. Was it because you have reduced the income, the salaries or what?

Mr. Gichuru: I have said that the Administration—the District Commissioners, the District Officers and everybody—have been moved over to the President's Office. They now come under him and therefore it is what I said before but, you won't listen. You see they have now been moved over, and therefore there is sure to be an increase in the size of the Estimate under the President's Vote. Similarly, because they have been moved this way, this saving is really in consequence of the changes that have come about.

(Head A1 agreed to)

Head A2—House Allowances

Mr. Ochwada: Mr. Speaker, Sir, here we have two subheads. One headed, Office of the President, and the other, Administration. I am pursuing the house allowance survey. In the Office of the President, is included house allowance and also passages and leave expenses but these two items are not repeated in the Administration. Does this mean that the house allowance of £25,500 is additional money required to cover both employees in the Office of the President and the Administration, Nairobi area, tribal police, licensing revenue, and all that, or is it only for the President's employees?

The Chairman (Dr. De Souza): I think we are discussing A (2) which is house allowance of the Office of the President which is not as far as I can see here included in Administration. It is a separate item.

Mr. Ochwada: What I wanted to know is whether this £25,500 is needed in addition to the £8,000 originally given and is it to cover only the employees in the Office of the President or does it cover the Administration employees as well?

The Minister for Finance (Mr. Gichuru): It covers Administration in the President's Office as well as the President's own office.

Mr. Ochwada: Mr. Chairman, Sir, could the Minister then give us an idea of how many employees are to be covered by this £33,000? Is it a hundred and ten?

Mr. Gichuru: I could not, but if the information is wanted in writing I could produce it.

(Head A2 agreed to)

Head A3—Passages and Leave Expenses

Mr. Khasakhala: Mr. Chairman, Sir, when we read of passages it appears as though there are many expatriates who have to go on leave here

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[Mr. Khasakhala]

because we have no local man who has to be given leave expenses. Could we be told how many people are involved in this particular office?

The Chairman (Dr. De Souza): You are discussing A (3)—Passages and Leave Expenses.

Mr. Khasakhala: Yes, Sir.

Mr. Gichuru: Mr. Chairman, Sir, the Assistant Minister is supposed to be here and give me his briefing, and so I am afraid that I cannot give you an explanation just now.

Mr. J. M. Kariuki: Mr. Chairman, Sir, I would like to ask the Minister what he has saved? In view of the Africanization in the country in future we will be having very good savings in view of the passages and overseas expenses.

Mr. Gichuru: This is very true, Sir, but we have to fulfil our obligations at the moment.

Mr. Gichoya: Mr. Chairman, Sir, can the Minister tell me, in connexion the passages and leave expenses involved, which are passages from this country to another one, and which are passages for the former Governor-General's staff? I mean the officers who were in the Governor-General's residence and the members of his staff. Of course, some members are personal to the President, or, if they were members of the staff of the former Office of the Prime Minister, how many such persons are involved and in what categories are they in terms of their positions, so that we know that we are really having Mr. X or Mr. Y for four obvious reasons: that is we are not in a position to get a proper local man who does not need travelling expense, and overseas leave. These are the things which we need.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, it is obvious that what is meant here are three lots of people. One is, those people who were left in the Office of the Governor-General will automatically have been taken over by the Office of the President. We know that a number of them have had their services terminated, but their leave and leave passages will continue because they go away with their leave and their leave passages. Also it is obvious that when the whole of the Administration came from another Ministry, then the Assistant Secretaries, the Deputy Secretaries, etc. who are tied to the Administration will not be shown in the Administration they will be shown in the Office of the President and they will also be involved in A. (1) to A. (6).

It 7-16 pp.

Over and above that, the third category of people involved in this are the new people who will set up the Office of the President. They may originally have been in the Office of the Prime Minister, they may have been in one of the offices of the Minister of State, but they will be re-shown here because this is a complete new Ministry. Therefore, all you see under the Office of the President it is doubtful if there is a new person there. In fact, some of these allowances and passages will be showing from people who have gone but we have still to meet those commitments because their period of leave may be two or three months and they will still be on the pay roll of the Kenya Government. But I should not think there are new personnel here. This is a new Ministry and those three categories will have to be shown in here.

Mr. Gichuru: Mr. Chairman, Sir, there is just one little thing. In making the Estimates also we do put in a small element because when we Africanize we have to make provision, we have to have money ready for the expatriation of the officers and therefore there is that element in it too.

Mr. Gichoya: Mr. Chairman, Sir. We know for certain that it was not very easy, it is not even up to this moment very easy, to Africanize every office in Kenya, but it effects the House also, to know the various categories of people which we are not in a position to Africanize.

Now when we try to find out from the Minister, as to the number of people involved, whether they are one of the hon. Ministers who tried to explain, they were just the people who were paid off at a particular stage of time and then their passages were given to them and leaves and that is why we have to pay this amount, we ought to know how many people are involved. I think it is a mistake, Sir, that we take these for granted. We shall fail the country completely if we accept this case without first going deeply and knowing exactly what is the position. As I am bound to be asked by the taxpayers, "why did you pass this", am I going to tell them I never knew, and show them how stupid a Member is in this House that he accepted things for granted without knowing exactly why it was here in that form?

Secondly, the Government being ours, we have a duty (to view exactly the position and then we can just define the position of the Government to the outside world to our own voters as well. Now the Minister should not feel that we are trying to scrutinize him personally. I did come here to find out plenty of things which have gone on between one Ministry and another and one

[The Attorney-General]

is why we have amended it, in fact, he is helping me amend this Bill, because before we were restricting it. This is exactly what the hon. Member said about the amendment of this Bill, to which I agree, to which the Government agrees, to which the hon. Member himself, Mr. Gichoya, has agreed and supported, from his speech.

The Speaker (Mr. Slade): I think the hon. Member inquired the meaning of bona fide?

The Attorney-General (Mr. Njonjo): Well, Mr. Speaker, Sir, in this case it means not the people who go stealing at night, making business at night in Grogan Road, but these who honestly have a car that is broken down and want to buy one spare part to repair it, whether a mechanic or not, if it is an emergency. We have liberalized it so that we can do it, what we are trying to stop is this night business that goes on, and there is no reason why any hon. Member should want to buy spare parts constantly at night, unless he is up to no good.

(Question put and agreed to)**Clause 26**

THAT clause 26 of the Bill be amended by:—

(a) numbering the clause as paragraph (1); and

(b) adding the following new paragraph—

(2) Any firm or business or dealer wishing to be considered for exemption under this section shall submit an application in writing to the Minister and shall supply such additional information as the Minister may require.

(Question proposed)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, this clause is self-explanatory, that anyone wishing to behave in this kind of business can always apply, and we shall also keep control of the businesses that are going on at night, and we shall grant certificates and also make sure that the cars of the hon. Members in this House and others outside this House are protected from these people who do their business at night, stealing their carburettors, their spare parts, tyres, batteries and so on.

Mr. Gichoya: Mr. Speaker, Sir, I think I will just like to thank the Minister that he is trying to curtail the stealing of motor-cars. I have been a victim of this, not only once, but many times, and have had several parts taken, the head lights, and spanners, and so on, but the biggest danger,

Sir, is this. Unless the Government takes stern measures—

The Speaker (Mr. Slade): You are dealing with the Senate Amendment, are you not?

Mr. Gichoya: I am dealing with that one, Sir. Unless the Government eradicates these illegal dealers in motor-cars, from stealing parts from other people's cars, I do not see the point of this amendment, but I am happy, that the Government is able to go ahead in trying to regulate the parts that come into this country.

The Speaker (Mr. Slade): Mr. Gichoya, this concerns only the exemption from the operation of the Bill.

Mr. Gichoya: If the exemption is given, it should be to the genuine sellers, not the public.

The Government has given an assurance that buyers can be given a licence for a genuine approach to a genuine seller. Unless and until the Ministry is very careful over this, we might be continuing the state of affairs that has been going on.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I can only thank the hon. Member for supporting the amendment, and repeating what I have said before, and I can assure him that we are going to be genuine and are going to make sure that the hon. Members and others are not going to buy their own parts, because we are going to keep a check on that. Also, we would like to get a report from the hon. Members from their constituencies, where there has been an improvement as far as the stealing of cars is concerned.

Thank you, Mr. Speaker.

(Question put and agreed to)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]
SUPPLEMENTARY ESTIMATE NO. 3 OF 1964/65—
RECURRENT

THAT a sum not exceeding £4,900,002 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 of 1964/65—Recurrent.

(Minister for Finance on 17th February 1965)

(Resumption of consideration in Committee interrupted on 17th February 1965)

The Chairman (Dr. De Souza): Mr. Gichuru, I believe you now wish to substitute a new Motion in place of the one you moved last week?

The Minister for Finance (Mr. Gichuru): Due to certain requirements of Parliamentary procedure, Mr. Chairman, I beg leave to the Committee to withdraw the Motion under this Order standing in my name, and to substitute therefor, the following new Motion:—

THAT a sum not exceeding £5,869,219 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 of 1964/65—Recurrent—I cannot bear myself, Sir.

The Chairman (Dr. De Souza): I think they have heard you so far.

Mr. Gichuru:—having regard to the proposed saving of £969,217, therein appearing.

The effect of substituting for the original Motion the Motion I have just introduced in the House, is that the new Motion is more in conformity with the provisions of the Supplementary Appropriation Bill which the House will soon be debating. I invite the House to note the declared savings in the Motion, which will, in fact, result in the lower sum of £4,900,902, as shown in the summary to the Supplementary Estimate as being the actual amount required.

If I may, Mr. Chairman, Sir, refer hon. Members to the summary of the Supplementary Estimate No. 3, they will note therein, that in Votes Nos. 1 to 29 shown there, the total sum involved is £5,869,219, but we have savings in the various Ministries that amount to £969,217, thus reducing the sum I asked for today to £4,900,902. It is just a Parliamentary way to place it in the Treasury Vote. We did it in a very simple manner, but I then discovered that we could not do it that way, but the actual money involved remains exactly the same.

I beg to move.

The Chairman (Dr. De Souza): Mr. Gichuru, have you got the President's assent signified to?

Mr. Gichuru: The President has signified his assent to this Motion.

(Question proposed)**VOTE 1—STATE HOUSE**

(Head F—Miscellaneous Other Charges agreed to)

VOTE 5—PUBLIC SERVICE COMMISSION

The Chairman (Dr. De Souza): There is nothing to be debated in the Public Service Commission, Mr. Gichoya.

Mr. Gichoya: I think an explanation is necessary, Sir.

The Chairman (Dr. De Souza): No, no, there is nothing to be debated here, because this is in fact an Appropriation-in-Aid, which you cannot debate.

VOTE 6—OFFICE OF THE PRESIDENT**Head A 1—Personal Emoluments**

The Chairman (Dr. De Souza): Yes, Mr. Gichoya.

Mr. Gichoya: Mr. Chairman, Sir, I want just to have a clarification from the Minister as to which House we are committing the Nation, because so far as my knowledge goes our President is having State House which was Governmental; previously the country had two houses, the House where the Governor-General used to stay—

The Chairman (Dr. De Souza): Mr. Gichoya, I am afraid you are debating State House which has just been passed. We are now debating the Office of the President, Personal Emoluments, which has nothing to do with this. If you are in effect asking for house allowances to members of the staff of the Office of the President, that is a different thing, that has nothing to do either with the Aga Khan's House or State House.

Mr. Gichoya: Thank you, Sir, well, then in that case I will be very happy, Sir, to know the number of Staff Members of the President, I mean house allowances—to how many persons these allowances are given and their various positions within the office of our President, Sir?

Mr. Gichuru: Mr. Chairman, Sir, there has been an increase in the staff of the President's Office, because some of the people were working in the Governor's Office, now they have to be brought to the President's Office. The President has to have his private office at the State House as well as his office in the President's Building that is why we want a little extra money, to cover that.

Mr. Gichoya: Mr. Chairman, Sir, I was trying to find out the actual number of persons it involved, and perhaps the exact number we would have if we add the two together, that of the Governor-General and the Prime Minister. I am

The Minister for Internal Security and Defence (Dr. Mungai): Thank you, Mr. Speaker. I only wish to please everybody in the House and therefore I will repeat my words and say that I would like to answer what the hon. Member for Majogee-Bassi, Mr. Anyieni, the last speaker said, and also the question of the National Member, the hon. Mr. Ochwada! That satisfies everyone, so we can proceed now and try to save time.

Mr. Speaker, the amendment came about because when the Bill went to the Senate the Government decided that it might be very cumbersome to register every bolt, every nut and every flag-pole which may be changed every day on some hon. Members' cars; and we found that this would be very cumbersome. Since time is money, and time is very valuable in the fast-moving continent of Africa, we decided to change it and register the important component parts, which are very important in cases of stealing and which can be checked easily and rapidly, without going into the matter of every bolt.

Mr. Speaker, the amendment did not come from the hon. Members of the Senate. From all over Kenya, it was moved by the Government for this reason, and we therefore would ask the hon. Members of this House to accept the amendment, thus being in agreement with the hon. Member for Majogee-Bassi in his desire to proceed without further delay.

Mr. Gichoya: Mr. Speaker, Sir, I agree with the amendment but I totally disagree with the Minister's assertion and contention that we must rush things through this House because Africa is a "rushing" continent. The Parliament is entitled to its due; and it must deliberate for the sake of the common good, and there is no point in rushing.

The former Ministry of Justice, now the Ministry which comes under the Attorney-General, ought to have gone carefully and must accept that Members in this House are not here so as to rush things through and then come to a conclusion which is subject to litigation later. The amendment by the Government is very good but it ought to have been made clear to us that it is a Government amendment, but that it came about after the passing of this Bill through this House that the Government found it fit or appropriate to table it in the Senate. And then that the amendment is coming here as an amendment from the Government not from the Senators.

I see that the Ministry is empowered to gazette whatever is necessary and that is quite in order. It makes it easier for any businessman dealing with motor vehicle components to know what is

supposed to be under the law and what is not under the law. So I think the amendment, which is a second thought on the part of the Government, is quite in order. But it is wrong on the part of the Minister to come and say it is the attitude of the Governments of Africa. It is not the attitude of the Governments of Africa but perhaps the attitude of the Government of Kenya and the Government of Kenya—I must point that out through you, Mr. Speaker—is being led by a man who is old in terms of experience; he has got a long past experience and he is able to guide us well; so his Government cannot be a "rushing" Government, it is a very considerate one. The Minister should correct himself and realize that he is not a child to bring things here in a rush, but a matured Minister, capable of guiding the country by his good advice.

With those few words, Sir, I support the amendment.

(Question of the amendment put and agreed to) Clause 14

THAT clause 14 (1) of the Bill be amended by:

(a) deleting the semi-colon at the end of paragraph (a) thereof and inserting in place thereof a colon; and

(b) inserting immediately thereunder the following new proviso:

"Provided that nothing in this paragraph shall be deemed to prevent a licensed dealer from selling to a bona fide purchaser such motor vehicle components and accessories as such purchaser may necessarily require between the aforesaid hours;"

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I will take this opportunity to correct the hon. Mr. Gichoya on his speech. There is no Minister in the Kenya Government who is trying to rush the business of this House. This Bill has been discussed for four months, and the opportunity is still here to discuss it, except that I did not say, and I repeat this, that the Kenya Government is rushing anybody. I just used the term to save time, as the hon. Member for Majogee-Bassi had said, so I would like to have the hon. Member there corrected.

Mr. Speaker, there is not very much to explain in this, because it is self-explanatory. All I would say is that there have been some people in the habit of stealing vehicles at night, and trying to sell them at night, and some business people have been employed in this, and employ some poorer people as their thieves, and then deliver the goods

[The Attorney-General]

to them at night, so we would like to make sure that they check this properly, and that all sales of vehicle parts, except in the case of an emergency, is done during the day.

Mr. Ochwada: Mr. Speaker, while I agree with the proposed amendment, as explained by the Minister, it is very difficult for me to understand who a bona fide purchaser is in this case or whether the bona fide purchaser would be a person who is purchasing during the hours in the amendment. That being the case, what would happen in cases where we have places like Grogan Road, where there are garages working up to about eight o'clock at night, and where some unfortunate travellers from Arusha or Moshi who get into Nairobi with a broken part, and probably knows that one of the garages in River Road is open, and he is likely to be able to purchase a part from them, would he be regarded as a bona fide purchaser? Would he have to stay overnight and wait until the next morning until the hours specified, or would anyone who genuinely owns a car be able to go to the shop to get his spares?

Secondly, would this question of specified hours, in which these spare parts can be purchased, apply to garages where car repairs are undertaken? I wonder whether the Minister would explain that at a later stage.

I beg to agree with the amendment.

Mr. Gichoya: Mr. Speaker, Sir, I entirely disagree with the amendment for various reasons, that a bona fide purchaser must be a regular customer to a particular seller who is licensed, and it might happen that my young brother, who is not a regular purchaser, may be sent either by myself or for that matter by my father, driven by my driver, to buy certain articles which are sold for the sake of repair, and it might happen that my brother might be driving the motor-car. But, it has been stated that he must be a bona fide purchaser. There must be a way whereby we have to show a certificate to prove that we are really a bona fide purchaser.

Now, bona fide purchaser here is a man who is in the motor trade. He must be a mechanic with a licence to deal with motor-cars, and for that matter whenever he goes to a dealer, he must produce a certificate from his own workshop, then he can get the article. It is very difficult for even the Speaker's car when it is driven by the Speaker's driver. If it has an accident, even a minor one, to be able to obtain spare parts. It is sent to a particular recognized dealer of components of a motor-car, but it cannot be repaired.

Who is going to certify that we are bona fide, so that we can get spare parts?

The other thing, Sir, is this. It is clearly stated in clause 14 (c) that the seller to a certain degree—we are limited as to when—

An hon. Minister: Which clause?

Mr. Gichoya: Clause 14 (1) (c), we may only purchase items between the hours of 6.30 a.m. and 6.30 p.m.

Now, I have seen so far, Sir, in Cooper Motors, as a very good example, that they have a night service which means the service there could entail the replacement of new parts, and so on. However, I disagree completely with the question of certain hours to be required in which to sell these parts. What I would agree to, as far as the Government is concerned, is to see to it that the items which are sold, perhaps by the people at Grogan Road, who are second-hand dealers, are completely listed, and can be checked by the Government authorities so that they are selling goods that are in good condition to customers. Even if there is a breakdown in your car, you are not entitled to buy things between the hours not specified. I think this is very wrong. We are not going to be dictated to like this. It should be possible for me to be told that I, Gichoya, Member for Gichugu, can go in my own private capacity and get spare parts. This should make it possible for my own brother, sister, or father, to get spare parts for the repair of my car or my father's car, which is registered under my name. It is just a question of the person having a particular certificate saying that he is a bona fide purchaser.

I feel that if that amendment is accepted and we keep the original draft, the Minister concerned has all the administrative machinery, except that these things are not brought in for sale when they are not listed.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am happy that the hon. Member raised this point, and I would like him to refer to the date before it was amended, clause 14 (1) (a), which was passed in this House restricting the hours of which buyers could buy their spare parts.

It was passed here that nobody could buy those parts after 6.30 in the evening, but because the Government realizes that hardships may occur, even to hon. Members in this House, when they breakdown at night, we have, therefore, amended it to make it possible for some people to be able to buy spare parts after those hours, on emergency cases, and I do agree with the hon. Member. This

The Minister for Information, Broadcasting and Tourism (Mr. Onoko): On a point of order, Mr. Speaker, Sir, is it in order that this Motion should not be taken, resubmitted as a new Motion, all of these Motions, in fact? I mean to say, are these Motions dead, all of them?

The Speaker (Mr. Slade): Under our Standing Orders, if an hon. Member is not here to move his Motion at the time that it is called, in accordance with the Order Paper, then that Motion cannot be moved again during the same session without the leave of the Speaker. The Speaker does not give this leave without a very good reason for an hon. Member not having been here at the time. I can see no good reason for any of the hon. Members not having been here to move their Motions on Friday, so I am not at present disposed to give leave for them to be put on the Order Paper again.

BILLS

First Readings

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

The Speaker (Mr. Slade): Before reading this Bill for the First Time, I draw the attention of hon. Members to a correction of the Bill as originally published, which appears in the Official Gazette of the 16th February, whereby there is an attempt in clause 15 (2), deleting "12th March 1964" and substituting therefor "12th March 1965". If after promulgation of a Bill, Government wish to make any substantial amendment, I think it would be necessary for the Bill to be published again in full form; but, of course, this is merely correcting a clerical error. I hope hon. Members realize that the Bill which is now going to be read a First Time—and shortly to be debated on Second Reading—is the Bill as amended by the Official Gazette of 16th February 1965.

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

THE CIVIL CONSTITUTIONS FUND (AMENDMENT) BILL

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

(Consideration of Senate Amendment)

THE MOTOR VEHICLE COMPONENTS AND ACCESSORIES BILL

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to move that the Senate amendments to the Motor Vehicle Components and Accessories Bill be now considered.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

Clause 2

That clause 2 of the Bill be amended by deleting the definition of "motor vehicle components and accessories" and inserting in place thereof the following new definition:—

"Motor vehicle components and accessories" means such parts of a motor vehicle, and such articles or things, or parts thereof, which are for, or are designed for or intended for use in, or on a motor vehicle, as the Minister may, by notice in the Gazette declare to be motor vehicle components and accessories for the purposes of this Act or any subsidiary legislation made thereunder."

The Speaker (Mr. Slade): The question I now have to propose is that the House doth agree the said amendment.

(Question proposed)

Mr. Ochwada: Mr. Speaker, Sir, I do not know whether the silence on the part of the Minister means he has accepted this proposed amendment, but if that is the case it looks to me as if it will be difficult for the Ministry to implement what has been suggested by the Senate. I do regard the little flag-pole which I have on my car as part and parcel of the car, and also the A.A.E.A. badge and the Shell Drivers' Club badge, and many other little things which I might stick on my car. I do regard them as part and parcel of my car. I do not know whether the Minister is going to agree to legislate for such small items as well as part of, or components of the car. If he is not going to consider that, then I do not see why we should accept the proposed amendment by the Senate because it makes it rather difficult for the Minister, and the Ministry as a whole, to legislate or lay down subsidiary legislation covering the whole of these small components. I, therefore, feel that the original clause, as it was before, should remain, rather than accepting this amendment by the Senate.

Mr. Anyieni: Mr. Speaker, I should have liked to raise a point of order on this but since my hon. friend has just spoken I would like to ask the Government Ministers what their attitude is going to be in connection with the amendments which are submitted to this House by the Senate. We did not want to speak, we wanted to sit down so that the Minister could give directions to this House as to whether this was an amendment which the Senate has brought to us with the advice of Government or whether it is an amendment which the Senate itself has tried to introduce without prior consultation with the Government, thus making it an amendment which we may have to study, also to see if it can be changed.

This is very important, Mr. Speaker, because last time the Senators brought an amendment here, there was a lot of quarrelling here, there was a lot of language being used which was not very conducive to a good relationship between this House and the Senate. And in this particular connection we should have liked to see that if the amendment which was now was initiated by the very people who drafted the original Bill, then those very people should be here to stand up now and explain to us why they should bring this amendment and why it was not there before, so that the House can be enlightened and so that the House may be able to understand.

Otherwise, if the Government just sits there, and the Speaker has to say, "Now, if no other hon. Member wishes to speak . . .", in that case I do not know whether the Minister wants to play it easy, but I do not think it is the right way because it can bring a lot of confusion in the Bill. So before I say anything else, I can see that when I was opening my mouth to speak the two Ministers, who are sitting very close to each other, the Attorney-General and the Minister for Internal Security and Defence, were nodding their heads, indicating, if I am not wrong, that this amendment is made on the advice of the Attorney-General's Office. That being the case, we should have liked the Attorney-General now to stand up and explain to the Members why the amendment is necessary, what difference it would make between this one and that one, so that we are able to agree or disagree.

Therefore, Mr. Speaker, I have raised this as a matter, not of just speaking, but of order because if the Government does not say what it feels, there is going to be confusion. I would like to sit down now and give a chance to either the representatives of the Draftsman's Office or of the Minister for Defence to be able to give the

House a lead on what to do so that we do not waste much time discussing a thing like this if there is reason for it.

The Speaker (Mr. Slade): Since the procedure laid down under our Standing Orders for the consideration of Senate amendments requires that they be considered in the House and not in committee, we are restricted by the ordinary rule of debate that no hon. Member can speak more than once. That means that the House is rather at a loss unless, at the outset, the Minister concerned, either on the Motion for consideration or at the start of the consideration of clause, indicates the attitude of Government. Then when he has done that I think, in accordance with the rules of debate, we can give him a right of reply at the end. Since he has heard these questions now, perhaps the Minister would like to state the position of Government.

The Minister for Internal Security and Defence (Dr. Mungai): That you, Mr. Speaker, I am happy that the last speaker said that he would like to save time on this Bill. This Bill has been discussed in this House at length; then it went to the Senate where it was discussed and I am sure the hon. Members in this House followed what was going on in the Senate. Therefore I did not think that it was necessary to reopen the whole discussion that we have already undertaken in this House and in the Senate. This is why I want to make this thing very brief, to answer very briefly so that we save time (in which I agree with the hon. Member who spoke last). I will therefore now answer the hon. Member who spoke before the hon. Member who spoke last.

Mr. Anyieni: On a point of order, Mr. Speaker, is it in order for an hon. Member who has been in this House for sufficient time to know these things, to refer to hon. Members as if they were nonentities, and from which an hon. Member comes? He says, "this Member who has spoken" and "that Member". We are hon. Members who have spoken, Mr. Speaker. And I would like to find out whether the Minister deliberately refuses to recognize the personalities who have spoken.

The Speaker (Mr. Slade): It is not unparliamentary at all, Mr. Anyieni, to refer to "the hon. Member who has just spoken". There is nothing objectionable about that. It is better form than referring to "the hon. Mr. Anyieni". Referring to a Member's constituency is in order, but it is also in order to refer to a Member as the Minister has done.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Onoko): Mr. Speaker, Sir, I beg to reply. The cinema mobile unit of the Department of Information was disbanded in 1960 due to shortage of funds. This is the reason why many areas of Kenya like the Tana River District have not been able to see cinema shows since Kenya became independent.

This Ministry, however, is in the process of reinstating the cinema mobile unit as well as preparing to make films about Kenya for the use of its own mobile unit and many areas of Kenya will be able to benefit from shows through the cinema unit within the Government proposed Five-Year Development Plan.

Mr. Komora: Arising from that reply, could the Minister tell this House how long it will take the Ministry to reinstate these mobile cinema units?

Mr. Acheng-Onoko: We plan to reinstate these films as soon as we can, and as I have already said, the cinema units will be within the Government's Five-Year Development Plan. As soon as we have some vehicles available, they will be in the districts, trying to show some films about Kenya.

Mr. Somo: Mr. Speaker, would the Minister assure this House that all the districts in Kenya will be covered?

Mr. Acheng-Onoko: Mr. Speaker, Sir, yes.

Mr. Mbogoh: In view of the fact that the Minister agrees that these mobile cinema units are very important, especially for education in this country can he consider reducing some of the services from his Ministry so that he can put those services into the mobile units?

Mr. Acheng-Onoko: Mr. Speaker, Sir, these services are very necessary and, therefore, we cannot reduce them at the expense of the mobile cinema units. What we intend doing is to introduce them, as I have already replied.

Question No. 817

TARMAC IN KITUI TOWNSHIP

Mr. Mbal asked the Minister for Local Government if he would tell the House whether he had any plans to tarmac the roads within Kitui Township.

The Assistant Minister for Local Government (Mr. Njiriri): The hon. Member did not ask the question very clearly.

Mr. Lorema: Mr. Speaker, Sir, may I know if it is correct for a Minister answering on behalf of Government to sit on the other side?

The Speaker (Mr. Slade): I do not think I have power to direct hon. Members to sit in any particular place. It has been the custom, of course, for Government to sit all on the Speaker's right, but that was when there were two parties. Now that there is only one party I am not sure that hon. Members mind very much.

Mr. Somo: If you read this question clearly, it shows that this question concerns the Minister for Works and Communications and here it is being addressed to the Minister for Local Government.

The Speaker (Mr. Slade): It is the concern of Government as to what Ministry answers any particular question. Sometimes they are directed to the wrong Ministry, and sometimes a Ministry answers on behalf of another; it is entirely a Government affair, as long as somebody answers.

Mr. Njiriri: Thank you, Mr. Speaker, the hon. Member has not made clear what he means. One thing I would like to tell the hon. Member is that there are two ways that the Government can carry on with roads: through the county councils and through the Central Government. Main roads are dealt with by the Central Government and the county councils are responsible for minor roads. Therefore, Mr. Speaker, it is very seldom clear, which position should be put forward to the Central Government or the county council.

Mr. Mbogoh: Mr. Speaker, Sir, does the Assistant Minister agree that Kitui County Council does not have enough money to tarmac the roads in the town and that they should be given a grant by the Government to do that?

Mr. Njiriri: No, Sir, one thing is Graduated Personal Tax. Usually the people have to pay this to the county council in order that the county council should have the money. They have not paid their taxes yet.

Mr. Gichoya: Arising from the Assistant Minister's original reply, about some of the roads within the town, if it was specified that the Ministry was prepared to tarmac, could the Minister agree that in Kitui there are Central Government roads which the Ministry ought to have dealt with instead of referring the Member to the county council funds which were to tarmac some of the lanes within the township?

Mr. Njiriri: Mr. Speaker, Sir, I would like to tell the hon. Members that priorities are always dealt with. If the proposal is put forward and if there are sufficient funds, that can be dealt with.

Mr. Ochwada: Mr. Speaker, Sir, could the Assistant Minister tell the House, one, whether he—

The Speaker (Mr. Slade): Order, order.

Mr. Ochwada: One, whether his Ministry considers it essential to tarmac roads in Kitui Township, and two, if the Ministry considers it essential to tarmac the roads in Kitui Township, and whether the Ministry would be prepared to loan the Kitui County Council money to tarmac the roads so that the county council can pay this back to the Ministry later?

Mr. Njiriri: At present, Mr. Speaker, the Government would like to appeal to hon. Members to tell the people to pay their taxes and then the Ministry will work on the roads in every county and district of the country.

The Speaker (Mr. Slade): I would like to remind hon. Members that there is a matter to be raised on adjournment at the interruption or earlier closure of business this afternoon.

POINT OF ORDER

RULING ON PERSONAL STATEMENT

Mr. Okwango: Mr. Speaker, Sir, on Friday this House was forced to adjourn prematurely because of three Members who were not present to move their Motions. I wonder whether these three Members could be called upon to apologize to the House for this premature adjournment?

The Speaker (Mr. Slade): You are entitled to raise this, Mr. Okwango, but I am not entitled to call upon Members to apologize to the House. They are free to do so by personal statement if they are so disposed. Perhaps they may like to do so at the right time, which is now, or at the same time, same stage of business another day.

PERSONAL STATEMENT

STATEMENT ON ABSENCE OF MOVER OF MOTION

Mr. Gichoya: Mr. Speaker, Sir, I will not make an apology, but make a statement, Sir.

My statement as to my failure to present my Motion here was necessitated by the fact that this Motion, which was intended to deal with the present Ministers, Sir, before the Republic, was in one way or the other delayed within the Sessional Committee office, and consequently after the President had appointed all the various Ministers, the Motion was to be brought forward later.

It was meant to present the President of the Republic with the weapon that he committed the Ministers within his own Cabinet, and that within one month of that, those Ministers were to declare their own property both within and outside Kenya. This was deliberately rejected from being brought forward within the House in time by the Sessional Committee.

The Speaker (Mr. Slade): I think that all the House is interested to hear, Mr. Gichoya, why you were not here to move this Motion on Friday.

The Minister for Information, Broadcasting and Tourism (Mr. Onoko): Mr. Speaker, Sir, on a point of order, I would like to have your ruling on this. We want the hon. Member to be very specific, because he is trying to make a statement, which, of course, the Government will have to answer, if it is actually going to be an accusation against the Government or the Government Ministers, because—

The Speaker (Mr. Slade): Yes, I have just made that clear, Mr. Onoko. The privilege of a Personal Statement is merely to enable an hon. Member to explain his conduct.

Mr. Gichoya: Mr. Speaker, I am sorry but I am not going to make an apology, Sir, what I am trying to do is to explain the circumstances which led to my Motion not being presented in the House.

The Speaker (Mr. Slade): But it has got to be directly relevant to that.

Mr. Gichoya: One point, Sir, I have already made clear. The other point was that in the course of time, when the Motion was supposed to come to this House, quite a number of people were very apprehensive of the Motion. Secondly, it came to my knowledge, by one way or another—and I do not necessarily have to disclose my sources of information—that the main Ministers were not happy about—

The Speaker (Mr. Slade): Order, order, Mr. Gichoya! Unless you can tell us immediately why you were not here to move your Motion, you must cease your statement.

Mr. Gichoya: Mr. Speaker, Sir, my explanation of this one is interwoven in those particular points.

The Speaker (Mr. Slade): I am sorry, Mr. Gichoya, you must sit down.

[Dr. Kilano] to the Community Development officers, because they are the ones who deal with the question of reading and writing.

Mr. Makokha: Will the Minister assure this House that illiteracy will not stand in the way of traders who apply for loans?

Dr. Kilano: Yes, Sir, I do not think that illiteracy, as such, should be punishable by denying personal loans, but it would be very helpful if people could read and write and keep books.

Question No. 848

VEGETABLE MARKETING: HAMISI

Mr. Godia asked the Minister for Co-operatives and Marketing if he would assure the House that he was doing his best to assist vegetable growers in Hamisi to find a market for their vegetables.

The Minister for Co-operatives and Marketing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. I would like to help the vegetable growers in Hamisi, but it is difficult, at present, to see how my Ministry can do so. My information is that production is very small and is sufficient to meet local requirements. A few producers supply the limited needs of the local schools. The occasional, seasonal, surplus is usually sent to Kisumu.

Mr. Godia: Mr. Speaker, Sir, when I told the Minister that we have a large number of vegetable growers who want marketing facilities for their vegetables, does the Minister not trust me that I am representing the interests of the people?

The Speaker (Mr. Slade): The question is whether you can trust Mr. Godia.

Mr. Ngei: The question is whether I trust his information, but not his as a person.

Mr. Gichoya: Mr. Speaker, Sir, arising from the Minister's reply, could he assure the House that he has the correct statistical information—so far as the vegetable growers in that area are concerned—so as to arrive at the conclusion that the Member for the area could not provide this House with the adequate information from his own constituency?

Mr. Ngei: Mr. Speaker, Sir, the information which I have given is that which I have. I may as well add this, Mr. Speaker, that 90 per cent of the vegetables grown are cabbages and 10 per

cent consists of carrots, etc., and onions and tomatoes, and this does not warrant the setting up of something which will be an economic liability.

Mr. Godia: Arising from one of the Minister's replies Mr. Speaker, Sir, could he tell us what arrangements he has for marketing and if they are in good order?

Mr. Ngei: Mr. Speaker, Sir, I beg to reply that a private canning company is investigating the possibilities of tomato production for canning and small-scale trials have commenced under the auspices of the Department of Agriculture.

Mr. Ochwada: Mr. Speaker, Sir, would the Minister tell the House when his Ministry surveyed the potentialities of production in this particular Constituency? If they ever surveyed, and if they did, what results were produced?

Mr. Kibuka: Mr. Speaker, Sir, what has caused the Minister to believe that the production potentiality in this area does not justify the setting up of adequate marketing facilities?

Mr. Ngei: Mr. Speaker, Sir, I have just said that the Department of Agriculture are investigating the possibility of setting up a tomato canning project in the area, and my Ministry has just received this information, and therefore I did not have the opportunity of setting up an extensive investigation or survey.

Question No. 864

POLICE STATION FOR SOUTHERN DIVISION OF MACHAKOS

Mr. Ndle asked the Minister for Internal Security and Defence. When the Minister intended to have an extra police station in the Southern Division of Machakos, as there was only one police station in that division at present.

The Minister for Internal Security and Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. My Ministry is very much aware of the need for a police post in the Southern Division of Machakos, particularly at a place called Makueni and, as such, we have decided to set up a post there; and we have already requested the Directorate of Personnel to increase the establishment. We have also requested the Treasury to give us the funds necessary, so that we can proceed immediately without delay.

Question No. 892

WITHDRAWAL OF FACILITIES FROM KISUMU AIRPORT BY EAST AFRICAN COMMON SERVICES

Mr. Jamal asked the Minister for Works, Communications and Power whether the Minister was aware that the East African Common Services were withdrawing control tower facilities from Kisumu Airport as from February, 1965 and, if so, would he make representations to this authority to refrain from so doing, in view of the growing importance of Kisumu and the anticipated future increase of air traffic.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. It is unfortunately true that the Directorate of Civil Aviation of E.A.C.S.O. have been obliged to withdraw air traffic control staff from Kisumu Aerodrome from February 1965. This is due to an acute shortage of air traffic control officers, caused largely by resignations. It is a temporary arrangement, and it is intended to restore air traffic control personnel to Kisumu as soon as the staffing situation permits. Every effort is being made to deal with the staff problem, in the short term, by recruitment of personnel from abroad and, in the long term, by the training of locally-recruited staff at the Directorate's training school. Meanwhile, the aerodrome will remain open for traffic and the existing scheduled services will continue.

Mr. Jamal: Mr. Speaker, Sir, would the Assistant Minister tell us how many airports in East Africa, the same size of Kisumu, have no control tower facilities due to staff shortages?

Mr. Bomett: Mr. Speaker, Sir, there are quite a number of airfields in Tanzania which have no traffic control towers.

Mr. Jamal: Mr. Speaker, Sir, my question is how many airports have been affected by shortage of staff?

Mr. Bomett: Mr. Speaker, Sir, a number of them in Uganda and Tanzania.

Mr. Gichoya: Mr. Speaker, Sir, could the Assistant Minister explain to the House specifically the number of such places within East Africa which have been affected by the shortage of staff and which have the same conditions for air traffic control?

Mr. Bomett: Mr. Speaker, Sir, the answer which I gave earlier to this question is that the removal of the staff who were based at Kisumu has been caused by shortage of staff because of resignations and this has not only affected

Kisumu, but it has affected other aerodromes in Kenya, Uganda and Tanzania.

Mr. Gichoya: Mr. Speaker, Sir, my question is very simple, could we be told that in a particular airport, a specific place, that the same sort of situation has arisen so that we know the reasons which are behind certain places failing to get or keep people, whether it is a question of Africanization or localization?

Mr. Bomett: Mr. Speaker, Sir, if the hon. Member would like to know the aerodromes which have no services because of this shortage of staff, then I could give it to him in writing later.

Dr. De Souza: Mr. Speaker, Sir, would the hon. Assistant Minister tell the House which other comparable town has had its air control officers withdrawn as a result of a shortage in staff?

Mr. Bomett: Mr. Speaker, Sir, Arusha is one of them.

Mr. Warilithi: Mr. Speaker, Sir, the Assistant Minister refers to locally recruited personnel who are under training. Can he tell the House how many there are, and what is their standard training and when they are likely to finish?

Mr. Bomett: Mr. Speaker, Sir, at this moment, there are eight locally recruited people now under training at the Directorate of Civil Aviation Training School as Air Traffic Control Officers. These trainees will be completing their course in September, this year. In addition, there are a further twenty-three African trainees and one Asian who will complete their training at various times between April 1966 and June 1967. Furthermore, we are taking ten further trainees for another course which will begin in March.

Mr. Ngala-Ahok: Mr. Speaker, Sir, arising from the reply of the Assistant Minister that traffic control facilities will be reinstated as soon as possible and now that we know that many of these officers will be qualifying in September, this year, will the Assistant Minister agree with me that where he says "as soon as possible", it means September this year, and that these facilities are going to be restored then?

Question No. 833

CINEMA SHOWS IN TANA RIVER

Mr. Komoro asked the Minister for Information, Broadcasting and Tourism why the Tana River District communities had not had any cinema mobile unit shows since Kenya became independent.

[Mr. Agar]

consider making it possible for brilliant African students to find their way into these schools, even if they are poor and could not the fees be paid by Government?

Dr. Kiiano: Mr. Speaker, Sir, we understand that these schools have better standards of training than the other schools.

Hon. Members: Yes.

Dr. Kiiano: Mr. Speaker, Sir, I think there is a slight misunderstanding here. They may have better facilities and I am in full sympathy with the questioner, but, when you look at the results of the various secondary schools in this country, you will find that some schools with fewer amenities—like the Alliance High School—have very good results.

Mr. Tumei: Mr. Speaker, in one of the earlier replies by the Minister, he mentioned colonial times. How can he reduce that colonial brain by integration—only this higher level, and not at all levels as we expected?

The Speaker (Mr. Slade): As far as I heard it, it did not seem to arise.

Mr. Anyieni: Mr. Speaker, could the Minister then give the reason why, for example, schools fees in North Nyanza are not the same as school fees in the Kisii District or Kiambu or at the Coast. Why is that?

Dr. Kiiano: I hope the hon. Member is referring to all schools, not just Government schools, because the hon. Member must realize that the burden of education is not entirely one for the Central Government alone. It is shared with the local authorities as well.

Mr. Anyieni: Mr. Speaker, Sir, I am quite aware that, under the new Constitution, education is now under the Central Government with the help of Local Government authorities but I would like the Minister to tell us why there is such a great difference in some districts. For example, in some districts boys will pay up to Sh. 20 for a primary school, and in some places it is Sh. 60?

Dr. Kiiano: Mr. Speaker, I am trying to answer that one, but I do not have the right information, if I may say so, because in addition to paying the teachers, there is also the cost of living which is not necessarily uniform throughout the country.

The Speaker (Mr. Slade): I think we must move on now to the next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 844— DIFFERENCES IN SCHOOL FEES

Mr. Ngala: On a point of order, in view of the very unsatisfactory reply given by the wrong Minister, I would like to move Motion on an adjournment on the question of education in schools.

ORAL ANSWERS TO QUESTIONS

Question No. 845

MORE MONEY SPENT ON EUROPEAN EDUCATION

Mr. Omweri asked the Minister for Education if the Minister would agree that about one-third of his Vote went to benefit Europeans and expatriates and if so, how was he going to remedy this situation.

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, as the Temporary Minister for Education, I beg to reply.

I do not agree that about one-third of the Education Vote goes to benefit Europeans and expatriates. That information is not correct.

These schools do not receive any capital funds as they are already developed. But they do receive maintenance grants which do not altogether exceed £24,000 per annum.

There are approximately 450 expatriate teachers in our Secondary Schools who earn the normal salaries.

It should be realized that the Ministry of Education has no racial breakdown of financial figures at present as this system would be out of place in our Independent Republic.

Mr. Omweri: Following this question with the earlier question, Mr. Speaker, and arising from what the Minister has answered, he agrees that there is no breakdown, but the truth is—

The Speaker (Mr. Slade): You can only ask a question.

Mr. Omweri: Mr. Speaker, would the Minister then agree that since he has no breakdown racially, and since he earlier agreed that the schools were formerly racial schools, and received grants-in-aid which most of our country council schools do not receive, his main Vote goes to these expatriate schools?

Dr. Kiiano: Mr. Speaker, Sir, I did not quite understand the question because I did say that the question was not correct in terms of fact I also did say, both in the earlier question and the

[Dr. Kiiano]

present one, that we are determined to bring about as rapidly as possible integration of all these schools so that we cease to have schools that appear to be for only one race. I also said that as far as our financial resources will allow us, we would also try to reduce the school fees. I think Government policy is quite clear on this matter.

Mr. ole Tips: Mr. Speaker, Sir, may we know from the hon. Minister who admitted earlier on that they do not keep a breakdown of the expenditure on racial schools, on what grounds does he say that the hon. questioner who alleged that that one-third of this Ministry's votes goes to the benefit of Europeans and other expatriates is incorrect? How does he come to this conclusion if he does not keep the records and the breakdown?

Dr. Kiiano: Mr. Speaker, Sir, I hope my dear friend is not trying to confuse himself deliberately.

The question, I think, made it very clear that he was referring to the former European schools. Now, whether you keep a racial breakdown today or not, every Member in this House knows what we mean by the former European schools.

Mr. Anyieni: Mr. Speaker, Sir, is the Minister aware that during colonial days, this subject was one of the most heated issues among the African politicians: that the Europeans were taking a lot of money for education, and is the Minister now saying that the Government has completely changed this, or that now the Government is encouraging a few Africans to send their pupils to these schools and, as such, intend to maintain the grants-in-aids to these schools?

Dr. Kiiano: I do not see where the difference of opinion is, because the question said one-third, as a statement of fact, and I said it was not one-third. We are not arguing on policy, but on facts.

Mr. Lorema: In view of the fact that the Minister does not agree that the proportion of the Vote is one-third, would the Minister reveal to the House the proportion in which this money is made per school?

Dr. Kiiano: Mr. Speaker, Sir, if the hon. Member would kindly allow me to report this to the substantive Minister, I will do so, because if he says he does not keep a breakdown, it will necessitate going to the offices again to try and find out the so-called racial breakdown before he can bring the information here. I will willingly do that, Mr. Speaker.

Question No. 847

TEACHING TRADERS IN HAMISI

Mr. Godia asked the Minister for Commerce and Industry if he would tell the House what steps he had taken to see that a number of illiterate businessmen in Hamisi had been taught how to read and write in order to make use of the available Government loans.

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, I appreciate the opportunity of answering this question, which actually comes under my own Portfolio! I beg to reply.

My Ministry has made a lot of arrangements to see that traders in the constituency of the hon. Member and, indeed, in the whole of the Western Region, benefit from loans available to them by running traders' courses. Up to May 1963, four-week courses used to be taken at Maseno Training Centre but regionalization of Trade Officers forced us to stop such courses at the centre. Instead, courses were arranged and still continue to be arranged in various administrative divisions of the provinces.

The purpose of these courses is not to teach traders to read and write but to teach them fundamental principles of how to run their businesses properly and efficiently.

Since Independence, twenty-one courses have been organized in the whole of the Western Region, three of these being for traders in Wiggins Division. The average attendance for the first two courses was 15 traders and for the last one, the total attendance was only one elderly woman who came to register. From these figures, the hon. Member can see for himself that unless traders in his constituency change their present attitude, they are not likely to benefit much from the arrangements.

It might also interest the hon. Member for Hamisi to know that up to date, there were quite a number of traders who were defaulters and who might have been afraid of coming to me in case I claimed the money from them.

Mr. Godia: Mr. Speaker, would the Minister tell the House why the officer responsible for traders' loans in the Western Province, cannot take the initiative of helping some of these illiterate traders to read and write by encouraging the Community Development Assistants to help them?

Dr. Kiiano: My Provincial Trading Officer who is now stationed in Kakamega will bring this explanation to the education officers as well as

[The Assistant Minister, President's Office] taken the time to read of section 22 of the Constitution, which is one of the entrenched clauses in the document, which provides for freedom of conscience. We, therefore, cannot have a State Religion.

Although there are Bishops of the Roman Catholic Church, there is no such thing as a Bishop of the Protestant Church—only Anglican, Baptist, etc., Bishops. The last part of the question is, therefore, meaningless.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that, according to the reply given to me in a previous question, that the missionaries have played a very important part, does that reply imply that the missionaries' work in Kenya is not recognized by Government at this stage?

Mr. Njanyweya: I am the Member for Nyaribari; there are Catholics, Muslims, Hindus, Seventh Day Adventists and I represent the interests of all of these people in that constituency, I hope that the hon. Member is doing the same in his constituency.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, does the Assistant Minister, taking into consideration that he is also a Christian, agree with me when I say that the religious groups in this country are large enough to be represented?

Mr. Njanyweya: Mr. Speaker, Sir, I have already replied to that. A good percentage of the hon. Members in this House are Christians, and they represent the interests, not only of Christians, but everybody, even pagans.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Assistant Minister agree with me that if all those religious groups gathered together and agreed to pay for such a minister, the Government would consider him?

Mr. Njanyweya: Mr. Speaker, I am told by one hon. Member of this House that there is a very good picture now showing on at the Kenya Cinema which I hope will convince the questioner who asked this question and I hope other hon. Members will go and see that film.

Mr. Jahazi: Mr. Speaker, Sir, is it in order for the Minister to advertise films in this House?

The Speaker (Mr. Slade): If a Minister sees fit to report on a film which might be of interest to hon. Members, I see no objection.

Mr. Lorema: Arising from the Minister's previous reply, would the Minister tell the House whether the Government appreciates the part

which was played by the missionaries in this country so far?

Mr. Njanyweya: Mr. Speaker, Sir, every hon. Minister and every hon. Member of this House appreciates, I hope, the work done by the missionaries in the past.

Question No. 842

SECONDARY SCHOOL FOR NORTHERN DIVISION, KILIFI DISTRICT

Mr. Mwatsama asked the Minister for Education whether, in view of the fact that the Northern Division of Kilifi District had been completely neglected by the previous Government, the Minister would therefore consider providing a secondary school in this area.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Education, I beg to reply. Yes, Sir, it is hoped to open a boarding secondary school at Malindi in Kilifi County during the 1964/1970 period.

Mr. Mwatsama: Mr. Speaker, my question is about Kilifi North, and not Malindi. Malindi is a subdistrict.

Dr. Kiako: But it is in Kilifi County.

Mr. Shikuku: Arising from the Minister's reply, is he aware that the question is in connexion with Kilifi North and Malindi is quite far from Kilifi North, in another district altogether?

Dr. Kiako: It is in the same county council area.

Mr. Omari: Mr. Speaker, Sir, the question here is clear that a school is asked for in the Northern Division of Kilifi District and not in the Malindi Subdistrict. The Minister should understand that the Northern Division of Kilifi is different from the Subdistrict of Malindi and, therefore, we would like him to answer the question accordingly.

Dr. Kiako: As I said earlier, we know that there is the need for a secondary school in this general area, and we are trying to think in terms of the Kilifi County area as a whole, not one district.

Mr. Ngala: Arising from the Minister's reply, could the Minister give us assurance here that the Malindi Secondary School is definitely agreed upon by the Ministry in their planning period, that is up to 1970?

Dr. Kiako: Mr. Speaker, Sir, as the answer is worded, I would hope that the hon. Member would take the words as meaning what they say "Malindi in Kilifi County" during the 1964/70 development period. I thought that would give the sense of assurance that we are considering a secondary school in the Kilifi County, and particularly, Malindi.

Mr. Mbogoh: Can the Minister tell this House what factors they took into consideration when considering that this area needs a secondary school?

Dr. Kiako: Need I answer that? I was just wondering whether that really did arise, the facts to be taken into consideration—

The Speaker (Mr. Slade): I think that it is an ingenious attempt to get us focused on other districts, but it will not work. We will go on to the next question.

Question No. 844

DIFFERENCES IN SCHOOL FEES

Mr. Omweri asked the Minister for Education:

- Why there were differences in the fees paid at various Government schools, particularly in the former racial schools.
- Would the Government now consider unifying all fees in Government schools and providing the same standard of teaching and other amenities.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, again on behalf of the Minister for Education, I beg to reply.

(a) As the hon. Member knows there were four different educational systems in this country in the colonial days, viz. European, Asian, Arab and African. These systems had not only different syllabuses leading to different examinations but also different rates of fees and different standards of equipment and provision of facilities. Already a measure of integration of the four systems has been achieved. The Economy Commission recommended raising of school fees in high cost schools to reduce the Government expenditure *per capita* on such schools by passing part of the burden to the parents rather than to the general taxpayer and the implementation of this recommendation has meant varying fees in different schools.

(b) The Government is not in a position at present to unify all fees in schools as this would either mean too high fees for poor parents if

fees were to be raised or too heavy additional expenditure on the Government if fees in high cost schools were to be reduced.

The Government is well aware of these differences and the necessary action will be taken as and when it is practicable to do so.

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's reply, it seems as if he has confused the issues.

Mr. Speaker, Sir, he agrees that there are differences, he says the Government has reached some uniformity of the former differences and I want him to clarify how we now stand, because all that I know is that the differences still continue.

Dr. Kiako: I would like to clarify that I did not say "uniformity", I said "integration", meaning that those schools which were originally divided for Europeans only, Africans only or Asians only, have now achieved a certain degree of integration; meaning that there are some Africans going to schools which were previously European schools, and paying—of course—the high fees in those areas, but I did not say "uniformity". I said "a measure of integration".

Mr. Omweri: Would the Minister agree that these differences are causing class barriers and class distinctions whereby only the rich Africans will be able to send their children to the former European schools?

Dr. Kiako: Mr. Speaker, Sir, as I indicated earlier, the Government is not very happy with these differences, but as I said, were we to reduce all the fees in those schools immediately, we would not be able to meet the financial burden. We are working according to the amount of money which we can get, but we are not endorsing the differences, we are trying to reduce them as rapidly as possible.

Mr. Ngala: Arising from that reply, would the Minister explain why the Government has chosen to maintain the high Asian and Arab fee level for schools such as Mamburi and the Arab school in Malindi, where the population is strictly and densely African, and therefore, the African child who is poorer than the Asian child is penalized?

Dr. Kiako: Mr. Speaker, Sir, would plead non-information of that particular case. I will look into it and inform the substantive Minister with regard to that particular case.

Mr. Amari: Mr. Speaker, Sir, in view of the fact that these schools are better staffed and have better facilities for education, would the Minister

ORAL ANSWERS TO QUESTIONS

Question No. 838

LAND CONSOLIDATION IN SOUTH NYANZA

Mr. Ngala-Aboki asked the Minister for Lands and Settlement:—

- (a) If the Minister was aware that all the people of South Nyanza had accepted land consolidation.
- (b) If the answer was "yes", when would the work start.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Minister is aware that all people of South Nyanza have accepted land consolidation. The Land Adjudication Act has been applied in the whole of South Nyanza District although due to lack of funds it has not been possible to send enough teams to all the divisions of the district. Nevertheless, the necessary preparatory work of enclosing farms is in progress throughout the district to make the area ready for photography during the current flying season in March.

In Kabondo and Katipul Locations of Eastern Division where photographs were available and where our staff are concentrating at the moment, work is going on satisfactorily. We have asked for more money in the next financial year in response to "acceleration of land consolidation and go back to land" and we will put in more staff when the necessary additional money is made available.

Mr. Ngala-Aboki: Mr. Speaker, Sir, is the Assistant Minister aware that the question of consolidation is now becoming very embarrassing because the people would like consolidation experts, not just talking experts to go to the area immediately, and, if there is not enough money, the Ministry should look into this and send some more staff immediately.

Mr. Gachago: Mr. Speaker, Sir, this is what I have just said. We are looking into this question very seriously and the staff that we have sent out there is the best available.

Mr. Anyileh: Mr. Speaker, Sir, is the Assistant Minister aware that in some districts the majority of the people who are carrying out these schemes do this voluntarily and they soon intend to introduce this in South Nyanza?

Mr. Gachago: We have not heard of any people who intend to do this voluntarily without being paid and I would like to be informed if

any group of people or of any persons who intend to help the Government in this way. We will consider seriously putting them into this work.

Mr. Okwanyo: Mr. Speaker, Sir, is the Assistant Minister aware that early this year, all land consolidation officers in Central Region were asked to resign because they were to be replaced by Africans and this has not been done up to now?

Mr. Gachago: Well, I am not aware, Sir.

The Speaker (Mr. Slade): Mr. Muliro.

Mr. Muliro: Arising from the Minister's reply, would the Minister make clear to this House whether the policy of the Government is land consolidation or villagization in respect to South Nyanza?

Mr. Gachago: The Government is carrying out a policy of land consolidation in South Nyanza.

Mr. Muliro: Mr. Speaker, Sir, my question is, would the Minister make clear that the policy of the Government is in South Nyanza? Is it villagization or land consolidation which is taking place now?

Mr. Gachago: Mr. Speaker, Sir, assuming that I understand the question of the hon. Member, the policy of the Government is land consolidation.

Question No. 839

UNINSURED CARS ON THE ROADS

Mr. Mbogoh asked the Minister for Finance whether, in view of the fact that insurance companies refused to issue policies to car owners who had made claims against them as a result of accidents, the Government was prepared to consider introducing legislation whereby car might be allowed on the roads without the necessity of owners taking out insurance policies.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. No case has been brought to my notice in which an insurance company has refused to issue a third-party insurance policy to a car owner who has made claims against the company. The Government has no intention of repealing the present legislation which requires that an insurance policy should be taken out covering third-party risks. It is in the interest of the public that this legislation should remain in force.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that some drivers have driven at least twenty years without an accident and they have been paying their insurance policies fully, and in that case we take it that the insurance companies are exploiting such people, when they refuse to issue insurance certificates to anybody who has now claimed against them. Does the Minister consider putting it into legislation in order to exclude such drivers from paying for their insurance policies, because of their long service without an accident?

Mr. Gichuru: No, Sir, the public has to be protected. It is true that they may have driven like myself, for many years without meeting with any accident, but who knows what happens? As I said in my earlier reply, no such case has been brought to Government notice. Third-party insurance policy is compulsory and if any insurance company refuses to cover you, then you have every right to complain.

Mr. Okhwada: Mr. Speaker, Sir, since the idea of insuring a car is not only to insure the third-party, but also to insure the owner of the car, apart many other incidents would the Minister agree that if it was brought to his notice that an insurance company refused to issue a policy not only third-party, but also comprehensive, he would take steps about that?

The Speaker (Mr. Slade): Now this question only concerns third-party insurance.

Mr. Mbogoh: Mr. Speaker, Sir, on a point of order. It is not only third-party, it is general insurance.

The Speaker (Mr. Slade): No, Mr. Mbogoh, the whole point of the question is the legislation which requires third-party insurance and we cannot wander beyond that.

Mr. Mbogoh: Mr. Speaker, Sir, I have not mentioned third-party in my question.

Mr. Jahazi: Would the Minister tell the House whether it would be proper for the insurance companies to refuse registering or accepting any client who has made a claim on a comprehensive policy? Would the insurance company be in order to refuse?

The Speaker (Mr. Slade): Refuse third-party insurance?

Mr. Gichuru: Mr. Speaker, Sir, might I venture to reply?

The Speaker (Mr. Slade): Yes, do.

Mr. Gichuru: I think the hon. Member, Mr. Mbogoh, will have noticed that I confined myself to a third-party insurance policy. This is the only thing that is compulsory by law. Government can take—if an insurance company refuses to insure you—legal action, but if a man knocks his car over every year—like one person I know—and it is a complete write-off each year, then you cannot expect insurance companies to be forced to accept such risks.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, is the Minister implying that comprehensive insurance is not legal in this country?

The Speaker (Mr. Slade): You are getting right off the point. The point of the question I repeat, is legislation over which Government has control requiring third-party insurance, and whether there is any question of exempting anyone from that legislation. We cannot go into all the rest of the problems of comprehensive insurance.

Mr. Jamal: Mr. Speaker, Sir, could the Minister not confirm that it is not compulsory to have comprehensive insurance for vehicles to go on the road, but that it is compulsory to have third-party insurance?

Mr. Gichuru: I entirely agree with you.

Question No. 840

CREATION OF MINISTRY FOR RELIGION

Mr. Mbogoh asked the Minister of State in the President's Office if, in view of the good work done by missionaries in the country, the Government would consider creating a Ministry of Religion and entrenching in the Constitution provision for the Bishops of the Roman Catholic and Protestant Churches to share responsibilities as Assistant Ministers.

The Assistant Minister, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I beg to reply. Since adequate machinery for the conduct of business already exists within the organizations sponsoring the various missionary groups in this country, it is not considered necessary that a Ministry of Religion should be created. Quite apart from the financial commitments which such a step would entail, the creation of such a Ministry would, in effect, set up two faiths as the State religions in Kenya, a result which would be highly undesirable, and which must, therefore, be avoided.

Apart from that, Mr. Speaker, Sir, we find it necessary, from time to time, to refer hon. Members to some of the clauses which they have not

Government should declare all his assets within and outside Kenya within one month of taking up office. (Mr. Gichoya.)

(The Mover not being present to propose the Motion; the Order was dropped)

GOVERNMENT CONTROL OF FOREIGN-OWNED NEWSPAPERS

THAT in view of the fact that this country has decided to follow a policy of complete non-alignment and African Socialism this House urges the Government to take immediate steps to negotiate to take over or take a bigger share in the running and control of the present foreign-owned newspapers. (Mr. Ngala-Abok.)

(The Mover not being present to propose the Motion; the Order was dropped)

LAMU LAND SETTLEMENT SCHEME

THAT in view of the serious land hunger in the Lamu District this House urges the Government to appoint a Committee to examine the possibilities of establishing a land settlement scheme for residents of that District and to make early recommendations thereon. (Mr. Somo.)

(The Mover not being present to propose the Motion; the Order was dropped)

ADJOURNMENT

The Speaker (Mr. Slade): Since the Movers of the Motions remaining on the Order Paper are not present in the House, that concludes the business on the Order Paper. The House is now adjourned until Tuesday, 23rd February, at 2.30 p.m.

The House rose at Ten o'clock.

Tuesday, 23rd February 1965

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
Mombasa Pipeline Board Report and Accounts for the financial year ending 30th June 1964.

(By the Assistant Minister for Natural Resources (Mr. Jan Mohamed) on behalf of the Minister for Natural Resources (Mr. Ayodo))

NOTICES OF MOTIONS

APPOINTMENTS TO THE SESSIONAL COMMITTEE

The Assistant Minister, to the Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House Nominates the following Members to be Members of the Sessional Committee to replace those nominated to the committee on the 27th February 1964:—

The Vice-President (Chairman).

The Minister for External Affairs.

The Minister for Economic Planning and Development.

The Minister for Internal Security and Defence.

The Minister for Local Government.

The Minister for Information, Broadcasting and Tourism.

The Minister for Home Affairs.

The Minister for Co-operatives and Marketing.

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

The hon. Z. M. Anyieni.

The hon. B. Kagga.

The hon. J. D. Kall.

The hon. M. Kibaki.

The hon. M. Muliro.

The hon. J. K. Ndile.

The hon. R. G. Ngala.

The hon. J. I. M. Nyagah.

The hon. T. Okelo-Odongo.

The hon. J. C. N. Osogo.

The hon. A. J. Pandya.

The hon. J. M. Shikuku.

The hon. J. K. ole Tipis.

The hon. S. M. Amin.

The hon. J. P. Lorema.

SWAHILI FOR THE NATIONAL ASSEMBLY

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

THAT in view of the fact that Swahili is the indigenous common African language in Kenya, this House urges the Government to introduce a Bill for amendment of the Constitution to adopt Swahili as the language for this House and to fix a date on which the use of Swahili would commence in the National Assembly.

POINT OF ORDER

RULING ON GIVING NOTICE OF MOTION

The Speaker (Mr. Slade): Order, order. Mr. Khalif, I do not believe I have had a Notice of Motion from you.

Mr. Khalif: I am raising a point of order.

The Speaker (Mr. Slade): A point of order.

Mr. Khalif: Yes. Mr. Gichoya, Mr. Speaker, gave me a notice of this Motion which I have to read.

The Speaker (Mr. Slade): Speak up.

Mr. Khalif: The hon. Mr. Gichoya, Sir, gave me this notice of Motion which he asked me to come and give notice of, if that is allowed, Sir?

The Speaker (Mr. Slade): A Notice of Motion can only be given by the hon. Member who intends to move the Motion. It is a strict rule of the House, that apart from Motions by Government it is only the Member, that actually gives notice who can actually move the Motion.

The Speaker (Mr. Slade): Mr. Ekitella.

NOTICE OF MOTION

DEVELOPMENT FOR TURKANA DISTRICT

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

THAT in view of the fact that the Turkana District was overlooked by the Colonialist Government in the sphere of development, this House urges the Government to take immediate steps to remedy this situation and bring Turkana District in line with other Kenya districts in development.

Mr. Ochwada: Mr. Speaker, Sir, as much as I support this amended Motion, I would like to ask the Assistant Minister to clarify, when he comes to reply, whether the coverage of the Wages Council could also be extended to some areas where the Wages Council is not enforced. The Wages Council leaves out some areas such as the Northern part of Kenya, the Masai area and some other areas which were previously called restricted districts. Now, I am not sure whether up to the present moment these areas have been covered by Wages Councils, but if it is a matter of those living in Nairobi and some other areas being penalized by this coverage, then I think it is unfair because, when the hon. Member brought this Motion for discussion, he had in mind all the employees in Kenya—wherever they may be—and, to the best of my knowledge, the Wages Councils do not cover all areas of Kenya. Sir, what is going to happen to the employees in areas that the Wages Councils do not reach?

Secondly, Mr. Speaker, we have quite a number of Members here who employ domestic servants, who never give them leave, and yet you find that they are the first people to come here and say that Asians do not give these people time off from work. Let us clean up our own houses before we go to other peoples' houses. Moreover, most of the Members who are speaking very strongly on this Motion do not employ domestic servants and render a lot of our people unemployed. If they would sympathize with them and give them jobs, it would be better. I appreciate the difficult financial position of the Members, but at least they could try. It is not because those Asians whom they blame here do not give money to pay, but because they tried to offer these people some work to do and because their financial position is such that they are not able to give them leave and or able to pay them up to the standard of the others. That is why we have this problem, but at least before we start creating a situation whereby quite a number of us will have to throw out our domestic servants because we cannot afford to give them fourteen days' leave, we should try to bear in mind the fact that at least some of these people, although they do not get fourteen days in a year, they have some livelihood, they have a job to do, they have a place where they can go and stay and they are able to get something to eat.

With these few words, Mr. Speaker, I would like to remind the hon. Members and also ask the Assistant Minister to explain how the Wages Council can be extended to some other areas.

Mr. Agari: Mr. Speaker, Sir, I only wanted to put emphasis on a few things regarding the Afri-

can employers who have come into the field of late and up to now I think the Minister for Labour has not made it clear to the labour officers that the African employers are also just as much employers as the Europeans and Asians.

Once this Motion has been passed in this House, the areas covering the Wages Council will be extended and since the trade unions also will be included into the matters, it is customary for good trade unionists and labour officers to look to Asians and Europeans as employers in this country. I think, of course, the background is that there was a fight in the past; the Africans thought they were the underdog and the Europeans and Asians were the rulers, or the people of better economic situation.

Now that the African population, the African businessmen are also coming into the field as employers, we want the Ministry of Labour to take special steps to instruct the labour officers to see that the African workers working in African homes, farms, bars, hotels, buses, are also treated as workers. Up to now, you could see throughout the country that African workers employed his fellow Africans just as a relative or like a person who is working with a friend voluntarily and this has worsened the conditions of many workers and has made it quite impossible for workers to pay their taxes and even to make a living, and this of course makes the African employer feel that he is not the sort of man who keeps his accounts properly, he is not the sort of man who should observe the regulations and that is why I think there is a lot of failure in African business too. When the Government begins looking after the African employer as an employer, I think the African employer will also learn to work harder.

Now, labour legislation is very difficult to carry out. There are many employers of all races who intimidate the workers. A labour officer comes around and talks to the employer. The employer is his friend. After the labour officer has left the employer is sacked because he complained about leave or something like that.

We want to want to emphasize that the Assistant Minister should see to it that since this rule will be extended to some areas where the workers are ignorant, the labour-officer should be more careful and more strict with the employers and not leave the employees at the mercy of the employers. We know of, also, though this is a rather serious allegation, cases where labourers complained that the employers have some dealings with the labour officers after some dispute

[Mr. Agari] or after some negotiations. Then, after that the labour officer just disappears and leaves the case in a worse position than before he intervened.

Therefore, Mr. Speaker, all I want to say is that the Ministry of Labour should see that since this employment is now being extended to the African population, since they are now becoming employers, the Labour Office should revise the mentality and the attitude of the labour officers so that they can help the majority of African workers who are now employed by their fellow Africans and also in remote parts of the country.

The Speaker (Mr. Slade): Mr. Odero-Jowi, you have already spoken in this debate, and cannot speak again, even though you have been invited to do so. It is very nearly time for the Mover to reply. So if no other hon. Member wishes to speak, I will call upon Mr. Omar.

Mr. Omar: Mr. Speaker, Sir, while accepting this amendment, I would like to ask the Assistant Minister to remember that the original Motion was asking for fourteen days' paid leave, and not a wages policy.

However, there is importance in this amendment, because it is going to cover all the areas in which the Wages Councils did not cover before. Mr. Speaker, I think there is a need for the Labour Department now to establish their offices throughout the country, or at least in the headquarters of every district, because in some rural areas where we have many employees employed by individuals who own farms and who do not offer paid leave to their employees, these employees go to the District Commissioner's office or the District Officer's office and complain that they have worked for their individual employers or on farms for a number of years, and they have never been given leave. Now sometimes the District Officers or the District Commissioners are not in a position to deal with such matters because they say that this is a matter which concerns the Labour Department; and therefore the poor workers who have worked for a number of years, without leave, just leave the District Commissioner's office or the District Officer's office and go back. In some of these rural areas, the workers are not organized in a trade union and therefore they are wondering why some people employed in these same rural areas by the Government, such as the Medical Department, or the Veterinary Department, or the Agricultural Department, get paid leave after the completion of a year in the service. These people on the other hand, have no

trade unions and when they go to the District Commissioner's office these matters are not looked into. So they become desperate and feel that they are being exploited by their employers.

I feel that under this amendment the Labour Department should realize that they must send labour inspectors or labour officers to every headquarters of every district to ensure that those employees who do not get leave do get leave after these reports have been received.

Another reason, Mr. Speaker, why I support this amendment is that it is my belief that under the Wages Councils, there is a provision whereby a minimum wage is supposed to be paid in some townships. Now in some rural areas the provisions of these Wages Councils are not applied at all. Some employees are very underpaid. For instance, in the Tana River area there are some Arab and Asian employers who employ workers on cutting timber at mills; and they pay them about Sh. 12 a month—

The Speaker (Mr. Slade): Mr. Omar, I think you are straying away from the Motion.

Mr. Omar: Yes, Mr. Speaker, but I was just coming to the point.

Anyway, Sir, I support this amendment because I think if these Wages Councils are going to cover all the areas where at the moment they are not applicable, then the workers will benefit.

Therefore, with these few remarks, Mr. Speaker, I support the amendment.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT this House, being aware that some individuals and private firms do not grant their employees leave, urges the Government to extend the coverage of the Wages Councils to include all those fields of employment at present not covered by these councils or by the trade unions in order to ensure that every employee who has completed twelve months' service to be granted a minimum of fourteen days' paid leave.

MOTIONS

DECLARATION OF MINISTERS' ASSETS

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

[Mr. Ngala-Abok] the Ministry to iron out the misguided principles in which these workers believed?

Mr. Odera-Jowi: Well, Mr. Speaker, Sir, as a matter of fact a committee has been set up and is still working on this issue right now.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the workers are in complete darkness as to the policy of the Government as far as provident funds are concerned and most of them are worried as to what is going to happen to their money?

Mr. Odera-Jowi: Mr. Speaker, Sir, I am not aware of that.

Mr. Shikuku: Arising from the "not aware" answer to my question, is the Assistant Minister prepared to accept some of the cases placed before him even now to make clear to him that these exist?

Mr. Odera-Jowi: Mr. Speaker, Sir, I have made it clear in the answers to this question, and this is why I am telling the hon. Member that I am not aware of continuing complications of this matter.

Mr. Lorema: On a point of order, Mr. Speaker, Sir, in view of unsatisfactory replies from the Assistant Minister for Lands and Settlement to my question—

NOTICE OF MOTION FOR THE ADJOURNMENT

BAN ON PUBLIC MEETINGS AT MURANG'A

The Speaker (Mr. Slade): You can give me notice in due course, but you cannot talk about that question now that we have left it.

That being the end of Question Time I have to inform hon. Members that I have received notice from Mr. Kagga of his desire to raise on adjournment the matter of a ban on public meetings in Murang'a. I allot next Wednesday, 24th February, at the interruption or early closure of business, for the matter to be raised. I would remind hon. Members again that on Tuesday, 23rd February, at the close of business, Mr. Kariuki is to raise the matter of eviction of farm labourers. I would ask leave of hon. Members to mention the matter which is a separate business of the House and which I think is of importance, that the Sessional Committee will be sitting immediately at the rise of the House this morning.

Mr. Khasakhala: Mr. Speaker, on a point of order, is it the new Sessional Committee or the old one?

The Speaker (Mr. Slade): The old one.

MOTION

OBLIGATORY ANNUAL LEAVE BY PRIVATE FIRMS.

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.

(Proposed by Mr. Omár on 8th October 1964)

Amendment proposed:

THAT there be left out of the Motion the words "to introduce legislation which makes obligatory"; and that there be inserted in place thereof the following words: "to extend the coverage of the Wages Council to include all those fields of employment at present not covered by these Councils or by the Trade Unions in order to ensure".

(The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi) on 8th October 1964)

(Resumption of Debate on the first part of the amendment that the words to be left out be left out interrupted on 5th November 1964)

The Speaker (Mr. Slade): You will find that it is a long time since we debated this Motion, so I think hon. Members should be reminded that Mr. Shikuku was speaking, and had spoken for two minutes out of the ten allotted to him. The total time for debate is thirty-three minutes and, as hon. Members will see from the Order Paper, we were actually debating the first part of an amendment of the question when the debate was interrupted.

Mr. Shikuku: Mr. Speaker, Sir, if I may try and recall what I was talking about; it is quite a long time, but nevertheless the position of servants employed by individuals is quite alarming and I do remember having tried to quote certain incidences particularly those relating to the question of servants, who are working for the Asian community in this country. They have a very hard time. There are no limited or scheduled hours for working; they work from early morning and continue until "madam and his excellency" go to bed, and there is no overtime. This does not apply only to the Asians;

[Mr. Shikuku] he also applies to some of the Africans who have been promoted to high posts like Permanent Secretaries, Under Secretaries and other big guns in the Government. You will find that the terms of service of these people who work for these gentlemen are such that are not becoming at all, and it is the duty of this House, Mr. Speaker, if I may say so, to try and right the situation.

You will find that some of the civil servants who have employed some of the Africans—I have met lots of them—are complaining. They even say that during the time of the imperialists, those who employed them, they had a better employment and were looked after. Today we have people who have assumed the same positions and the same salaries of the imperialist people with the difference of overseas allowance, and they are not treating our own fellow Africans well.

I remember, Mr. Speaker, one case, if I may quote, which I witnessed myself in Westlands. I had a friend of mine there, Mr. Speaker, and that day, to find out what was cooking, I put on a pair of shorts and a bush shirt and a "johnny" type of hat, and I went to see this friend. To my surprise, Mr. Speaker, when I got there the Madam had laid down the rules that if any visitor came there to see the cook, then that man must not stay there for more than half an hour. When I arrived to see this friend of mine—it was round about 2.30 on a Saturday afternoon—the big boss had had his lunch and was supposed to be having a siesta. There was no work at that time, but I had bad luck in that the Madam happened to see me and she called the boy and asked him to sit on the verandah so that he could not talk to me! I feel, Mr. Speaker, if this is the issue, then our people are really suffering and I think those who are in my position and who are employing these people should also give them freedom. At 2.30, the boss had had his lunch and he had nothing to tell the boy to do, but he was not allowed to have a word with Shikuku. At this time, of course, the Madam did not know that I was Shikuku, otherwise she would have behaved better.

The Speaker (Mr. Slade): You are getting away from the Motion.

Mr. Shikuku: I am trying to get in the difficulties of the poor fellows who are working for this gentleman.

The Speaker (Mr. Slade): The Motion refers only to fourteen days' paid leave.

Mr. Shikuku: Yes, Sir.

The Speaker (Mr. Slade): You must stick to the subject of the Motion.

Mr. Shikuku: Thank you, Sir. I was just coming to that.

When it comes to the question of leave there is no rule. The boy takes leave when he wishes, but sometimes, Mr. Speaker, I have tried to investigate this, and the bosses feel that once they give leave to the worker then they will have to employ somebody to do the work during that time. Therefore, they feel that this will be an extra expenditure and, at the same time, fourteen days' leave is supposed to be with pay and they feel that it is a little too much.

I feel, Mr. Speaker, that if a law is passed in this Parliament to the effect that there should be leave after one year for all domestic servants and that the boss should also employ another person during that period, this would help these domestic servants a great deal, because during these fourteen days' leave, Mr. Speaker, we have Africans here who would probably go to settle their marriage problems, who have not finished paying their dowry and they could only do that during their leave. If they do not have any leave their wives might be taken away from them by the parents and, Mr. Speaker, it is compulsory for these people to have this leave whereby they can go and settle some of the difficulties with, perhaps, their neighbours at home on land matters. So far there is no law about this, I stand for correction on this, compelling the bosses of the domestic servants to give leave of fourteen days after one year's service. If this is so, I would only be very glad if the Ministry concerned would emphasize and make it their business to make sure that the bosses complied with this law. Mr. Speaker, they should be subjected to prosecution in a court of law.

Mr. Speaker, if I may end up, may I emphasize one point? The point I wish to emphasize is that this law should be carried out compulsorily. If the boss does not give leave to his servant after one year's service, of fourteen days with pay, then that boss should be subjected to the law, committed to the court, if it exists at all.

With these remarks, Mr. Speaker, I hope the Ministry concerned and this House will support the Motion. I beg to support.

(Question of the first part of the amendment that the words to be left out be left out put and agreed to)

(Question of the second part of the amendment that the words to be inserted in place thereof be inserted proposed, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Odera-Jowi: Mr. Speaker, Sir, at the moment, the committee is still doing its work in Nairobi, but we have received written documents and memoranda from various workers' representatives. As a matter of fact, Sir, on the committee we have an expert on statistics and also an expert on economics to advise the committee on the economic implications of a wage policy. It is the intention of the committee at a later stage to visit certain parts of the country. I do not think it is necessary to visit all the district headquarters but we are certainly going to visit all the major areas of employment to study the problems on the spot.

Mr. Mallada: Mr. Speaker, Sir, what steps has the Assistant Minister, being the chairman of this committee, taken to advertise the existence of this committee to the workers' unions so that they can be in a position to submit memoranda for consideration?

Mr. Odera-Jowi: Mr. Speaker, Sir, information has been passed on to all the unions in the country and quite a number of them have already submitted their views on the matter.

Mr. Anyleni: Mr. Speaker, Sir, could the Assistant Minister tell us whether the workers have any representative on this committee who will be able to help campaign their wishes?

Mr. Odera-Jowi: Mr. Speaker, Sir, Yes, Sir. The workers have more than three-quarters of the membership of the committee.

Mr. Ngala-Aboki: Mr. Speaker, Sir, could the Assistant Minister tell the House when this committee was established and when the report is likely to be published, and also why it was not made public throughout the country because this is a national issue?

Mr. Odera-Jowi: Mr. Speaker, Sir, the existence of this committee was made public. It was broadcast on the radio, it was published in the newspapers and it appeared in the various Press hand-outs. If he did not read it, that is not my fault. It was formed last year in September and I cannot forecast yet when the committee will complete its work.

Question No. 835

TOUR OF WEST POKOT DISTRICT BY MINISTERS

Mr. Lorema asked the Vice-President why no single Minister had so far toured the West Pokot District.

The Assistant Minister in the President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to

reply. If there are any districts which have as yet not been visited by any Minister, this must be attributed to the very heavy programme which all Ministers have had throughout the year 1961. Visits by Ministers serve a useful purpose only when there is a specific mission to be carried out, or a particular project to be launched or inspected. It is the responsibility of Members to invite Ministers to their areas whenever they feel that a visit by a Minister is called for.

I have an assurance, Mr. Speaker, from various Ministers, including the Minister for Finance, that when the hon. Member for West Pokot invites them, they will willingly attend and visit the area.

Mr. Lorema: Mr. Speaker, Sir, is the Assistant Minister aware that the Ministers have a tendency to visit such places like Mombasa, Kisumu and some parts of Nairobi and not West Pokot, and as such, they should make their programmes to visit these areas so as to reflect their position as Ministers of Kenya?

Mr. Nyamweya: Mr. Speaker, Sir, that point has been noted, and it is expected that the imbalance of these visits will be looked into.

Mr. Kamureni: Is it not true, Mr. Speaker, that most of the Ministers visit their homes more frequently?

Mr. Nyamweya: Mr. Speaker, Sir, I do not know what his constituency is, I forget, but the Ministers have constituencies to visit just as other hon. Members, and it is proper that they visit them.

Mr. Warlith: Mr. Speaker, Sir, arising from the reply by the Minister, he has said that Ministers visit districts or constituencies when they are invited by Members. Do we understand that Ministers can only visit a particular constituency when they are invited by Members, and if the answer is "No", does the Office of the President have a programme under which Ministers visit various districts, or do they just visit at random?

Mr. Nyamweya: I am clarifying that point which I think must have been misleading. Ministers can visit all districts of Kenya and all parts of Kenya when their work makes it necessary to do so in their Ministerial capacities.

Secondly, Ministers, as politicians, are at liberty to visit other parts of Kenya when they are invited by the hon. Members representing those parts of the country, and I think it is a privilege and opportunity which hon. Members should take.

Question No. 836

KAPKAI LAND FOR POKOT

Mr. Lorema asked the Minister for Lands and Settlement when the Pokot were going to be given the stretch of land in Kapkai which was included in the West Pokot Reserve by the Morris Carter Commission of 1933.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. I am not aware of any recommendation in the report of the Carter Commission of 1933, concerning the transfer of any land from Kapkai to West Pokot Reserve.

If the honourable Member for West Pokot wishes the farms at Kapkai to be purchased for a settlement scheme I would advise him to pursue the matter with the Central Government through the representative of the Rift Valley Province in the board.

Mr. Lorema: Mr. Speaker, Sir, is the Assistant Minister aware that there are some farms which were given to some Kenyans by the Morris Carter Commission of 1933, and they were implemented, and they have these farms. But, why are they not in West Pokot?

Mr. Gachago: Mr. Speaker, Sir, I cannot say why in West Pokot some parts were given to some tribes and not to others, because I was not on the commission. What I can say and I have said, is that the Ministry is not aware of any recommendation appertaining to the transfer of land from Kapkai to West Pokot.

Mr. Masinde: Mr. Speaker, Sir, arising from—

Mr. Anyleni: Mr. Speaker, on a point of order, I would like to seek your ruling as to whether the present Ministers are really responsible for answering questions on events which took place at the time when they were not appointed Ministers?

The Speaker (Mr. Slade): The Ministers are expected to answer to the best of their ability if they are so disposed on matters of Government policy, including past policies so far as they affect the present. Of course, if you get back to a commission which sat more than thirty years ago, present day Ministers cannot do much if they do not know every detail of what lay behind that commission.

Mr. Gachago: On a point of order, Mr. Speaker, there was no suggestion that information was not available.

The Speaker (Mr. Slade): An hon. Member may rise on a point of order to say what he said has been misrepresented, if that is the case.

Mr. Gachago: Can I finish, Mr. Speaker, Sir? There was no suggestion that the Minister did not know anything, or that he has not dug up the information required. What actually, in fact, is the situation, is that in the Carter Commission, as the Minister stated, in this report of 1933, there is no question transferring that land, and this is what I have told the House.

Mr. Masinde: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that in view of the fact that the stretch of land was transferred to Nandi District following the recommendation of the Carter Commission in 1933, so why can this not be followed up to enable Pokot to get this land?

Mr. Gachago: Mr. Speaker, Sir, if the hon. Member is suggesting that we call on another commission to investigate and whether there is the question of transferring land from one side to another then that is a different matter, but the Carter Commission which looked into the question did not recommend the transfer of land from this tribe to that tribe.

Question No. 837

INTEGRATION OF PROVIDENT FUNDS

Mr. Ngala-Aboki asked the Minister for Labour and Social Services if the Minister would give the reasons why this Government decided not to absorb or integrate the existing provident funds into the proposed National Provident Fund.

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to reply on behalf of the Minister. Sir, the Government has not supported or encouraged the integration of the existing provident funds into a National Provident Fund because of the interests of workers.

Mr. Ngala-Aboki: Mr. Speaker, Sir, is it not true that the workers themselves would like this to be done and for some time they have been completing statements about this particular part.

Mr. Odera-Jowi: Mr. Speaker, Sir, the workers demanding this have been misled, and Government is doing all it can to explain the position to them so they do not lose their money.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Assistant Minister tell the House how many meetings have been held between the workers and

[Mr. Gichuru] not large and it would also be interesting, before I go further, to state that the bank, the local branch here in Nairobi, does receive a lot of assistance from its head office in London, so that it is able to employ, for the benefit of East African resources, much more money than its total deposits in East Africa. This is something we ought to appreciate; it is bringing this money into the country in order to enable it to function. Therefore I am told that the percentage of profit is not large; none of it goes to South Africa and, although for taxation purposes, the overall profit of the bank is somewhat arbitrarily divided up in relation to the proportion in which the bank's East African business bears to its whole operations, this arrangement is probably favourable to Kenya.

Mr. Anyieni: Mr. Speaker, Sir, the Minister has said that he cannot say for sure as to whether there are some South African citizens who are directors of the bank, could the Minister investigate and if he finds that there are some South African directors who also own some money, take steps to repatriate, not only the money, but the individuals concerned?

Mr. Gichuru: I thought I was being asked about the headquarters. In Nairobi they have no South Africans and as for the headquarters in London, we have no control whatever.

Question No. 829

CANCELLATION OF REGISTRATION OF POLITICAL PARTIES

Mr. Balala asked the Attorney-General if, in view of the fact that Kenya has now only one political party in the National Assembly of Kenya, could the Minister introduce immediate legislation to the effect that there will be only one political party in Kenya, and, therefore, registration of all existing political organizations be revoked and no further registration of any political parties be made.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply on behalf of the Minister.

Actually, Mr. Speaker, this question was sent to the Attorney-General's Chambers, but as the House may know, we do not want to involve the Attorney-General in these political matters and the question was therefore referred to the President's Office. I would request, in future, that hon. Members who wish to have questions of a political nature should not refer them to the Attorney-General.

The Speaker (Mr. Slade): Order. I do not think the Member concerned can be blamed for this. There have been some doubts where certain questions should go, and at one time we were given to understand that certain questions should be directed to the Attorney-General. We very often decide here which questions should go to which Ministry; but it is quite in order for any Ministry to pass a question on to another Ministry, as has been done in this case.

Mr. Nyamweya: Mr. Speaker, Sir, I beg to reply. As has been made clear on several occasions, the Government has never intended, and does not intend, to legislate for a one-party state. The achievement of a one-party state in this country was the result of the voluntary dissolution, in accordance with the will of the people, of the party formerly in Opposition. Since the strong desire of all the people of Kenya for unity has already rendered the remaining small political parties unnecessary, there is no need to legislate those parties out of existence.

May I add, Mr. Speaker, that it would be a contravention of section 24 of the Constitution, which safeguards the freedom of assembly and association, if that kind of legislation, as suggested by the hon. Mr. Balala, was introduced. Some parties have already voluntarily dissolved themselves, like the Coast African Political Union.

Mr. G. Godana: Arising from that reply, Mr. Speaker, Sir, would the Minister agree to state that the Government would be prepared to see that the unity which has been created by the dissolution of one party will not be endangered by the formation of other little parties?

Mr. Nyamweya: Mr. Speaker, Sir, I cannot go into speculation of what might happen when another political organization is formed. It is the responsibility of the hon. Members, and all those who claim to be politicians to preserve the unity we have achieved.

Mr. Ngala-Ahoke: Arising from the Assistant Minister's reply, that there is not going to be any restriction on any other political party being formed or registered, could the Assistant Minister assure the House in turn that the Kenya African Workers' Union, which is a trade union body—If the Government has so agreed, then are we going to be assured that no restriction is going to be placed on any organization?

Mr. Kahi: We are not a trade union body. Government must abide by the agreed Constitution. Therefore, we must stick to that alone.

Mr. Nyamweya: Government intends to uphold the Constitution, Mr. Speaker.

Mr. Anyieni: Mr. Speaker, Sir, the Assistant Minister has put the clause into the Constitution which guarantees freedom of association and freedom of assembly. Does this apply in all respects or does this only apply to political parties?

The Speaker (Mr. Slade): We are only talking about political parties, Mr. Anyieni.

Mr. Mwanizindi: We have one political party and we all have decided to have only one political party. Why does the Minister not find it possible to amend that section so as to suit our needs?

Mr. Nyamweya: Mr. Speaker, Sir, the amendment of the Constitution is not a matter of one particular Ministry, it is a matter on which this House and the Senate have joint responsibility. As and when the need arises, that could be done, but, at the moment, Sir, there is no need to go into the unnecessary task of trying to amend the Constitution.

Mr. Ochwada: Mr. Speaker, Sir, would the Assistant Minister elaborate on what he means by "as and when the need arises"? Does he mean that at that time there will be no need for freedom of association and assembly?

Mr. Nyamweya: I have said, Mr. Speaker, the need, as far as the foreseeable future is concerned, has been foreseen by the Government.

Question No. 830

1 COMMUNITY DEVELOPMENT OFFICER FOR TANA RIVER

Mr. Komora asked the Minister for Labour and Social Services if he would make an effort to post a Community Development Officer to Tana River District.

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to reply. As part of the expansion of Community Development, a post of Assistant Community Development Officer has been created for Tana River District and an Officer has been appointed to take up the post. The officer in question, who has just been undergoing training, is at present in Lamu, and he will be posted to Tana River District as soon as possible.

Mr. Ngala: Arising from that reply, Mr. Speaker, could the Assistant Minister assure us that the normal habit of posting Tana River

officers to Lamu to serve from Lamu does stop immediately, so that the officers can be placed either at Galole or Garsen within the district itself and are thus available to the people?

Mr. Odera-Jowi: Mr. Speaker, Sir, it is normal to post these officers at the district headquarters and the Tana River headquarters is the place where we post these officers.

Question No. 831

INTRODUCTION OF A NATIONAL WAGE POLICY

Mr. Komora asked the Minister for Labour and Social Services when he was going to announce a national wage policy to cover all forms of wage-earning employment.

The Assistant Minister for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to reply. The Government has already set up a committee to inquire into the wage structure and wage levels in the country. This committee is still doing its work and, as soon as it has reported to Government, Government will make up its mind as to what the wage policy should be.

Mr. Khasakhala: Mr. Speaker, Sir, the committee which has been set up being concerned with the views of some individuals, could the Minister tell the House the terms of reference given to this committee, who are on this committee and where they are sitting, so that we can consult them?

Mr. Odera-Jowi: Mr. Speaker, Sir, I have already given the terms of references of the Committee earlier on, but I will give them again for the benefit of the Member who may have been absent at the time.

One of the terms of reference is to examine the wage levels in the country with a view of increasing the wage levels where they are too low. The second term of reference is to examine the wage structure in the country, in order to abolish a discriminatory wage structure based on race. The third term of reference is to examine how the wage policy of the country can be integrated with the economic policy of the country. Mr. Speaker, Sir, I am the chairman of the committee. The other members of the committee have been drawn from the Agricultural Wage Committee and the National Wage Board.

Mr. Khasakhala: Mr. Speaker, Sir, could he tell the House how these people could be met, and whether the committee will tour various provincial headquarters or district headquarters to consult the workers?

[Mr. Ngala]

the important issue for the nation to cause the adjournment of the sitting of the House this afternoon, and as we all respect the President, I think it is only right that we should go and hear what the President has to say to us, and to the country.

I hope the issue will not be arising from really petty things like a Minister failing to answer questions yesterday, but a matter of great importance to adjourn the House, because it was entirely the fault of the Minister if he could not answer his question yesterday.

I hope it will not be such petty things as whether to increase the salaries of Members or not. These are petty things, not important enough to adjourn a Parliamentary sitting, particularly when the Parliament is not given any warning.

Therefore, I hope it will be a big issue, an issue that the President, the Head of State, is really concerned, seriously concerned with, and not failure of his Ministers failing to answer questions in Parliament.

Therefore, I very strongly support the Vice-President in moving that we should go and hear what the President has to say.

Mr. Waruhi: Mr. Speaker, Sir, it does not require much thinking to suspect or to feel why we are being summoned to see the President. If it is because of what happened yesterday in this House, I would say the entire blame rests on the Government, and I would like a categorical statement, as the Chairman of the Back-benchers, from the Government, as to whether the Government does recognize the institution of the Back-benchers. Had the Government recognized the Back-benchers' group and informed that group and discussed various problems with them, maybe what happened would not have happened. I

would like the Vice-President, when he replies, to let the Back-benchers know whether our group is just taken as a group sitting in a room by themselves, and that we do not actually matter, and that the Government can bring any matter to the House without thinking of what our group does.

The Speaker (Mr. Slade): Dr. Kiaino did ask permission to move the closure at an earlier stage, and I said it would be premature. It would not be premature now for that to be moved for consideration by the House.

Mr. Khalif: On a point of order, Mr. Speaker, I think it is time that the Mover is now called upon to reply.

The Speaker (Mr. Slade): As I said, I do not think it is premature. This is a very important question, which has taken the Members by surprise, and the House is fully entitled to discuss this question and air its views; but I think we have had pretty well the full range of views on this subject now, and so it is for the House to decide whether or not they want to hear any more. I will put the question. Actually, in this Motion, there is no right of reply, as it is purely a procedural Motion; so the question is "that the Question be now put".

(Question put and agreed to)

(Question that the House do now adjourn, put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is therefore adjourned accordingly until tomorrow, Friday, 19th February 1965, at 9 a.m.

The House rose at ten minutes to Three o'clock.

Friday, 19th February 1965

The House met at Nine o'clock.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Annual Report of the Kenya National Assembly for the year ended 31st December 1964.

(By the Assistant Minister to the President's Office (Mr. Nyanwayo) on behalf of the Vice-President (Mr. Odingo))

Coffee Board of Kenya Annual Report and Accounts for the period ended 30th September 1964.

(By the Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

NOTICES OF MOTIONS

PROHIBITION ON PRODUCTION OF ALCOHOLIC BEVERAGES.

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

THAT this House, having regard to the prevalence of drunkenness, especially among young men, throughout Kenya, urges the Government to prohibit the production or sale of native alcoholic beverages, and to discourage the drinking of all other alcoholic beverages by increasing the price of such beverages.

CIVIL SERVANTS TO BE RESPONSIBLE TO ELECTED MEMBERS

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

THAT in view of the fact that there is now a tendency by some of the civil servants looking down upon the elected representatives of the people in this House and also taking part in the Kenya politics, this House calls upon the Government to introduce a system whereby the civil servants in any given constituency will be responsible to the elected representatives in that particular constituency to ensure smooth running of the area.

ORAL ANSWERS TO QUESTIONS

Question No. 823

STANDARD BANK OF SOUTH AFRICA: PROPRIETORS AND PROFIT

Mr. Omweri asked the Minister for Finance what information he could give the House about the Standard Bank, formerly known as the Standard Bank of South Africa Ltd., in the following ways:—

- Whether the proprietors were in Johannesburg, London or elsewhere?
- What percentage of the profit per year had gone out of Kenya to South Africa, England or any other country, during the last five years?

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply.

- The head office is in London.
- The annual accounts incorporate the result of banking business throughout the world and it is not possible to say what percentage of the profit relates to activities in Kenya.

Mr. Omweri: Mr. Speaker, Sir, was this bank originally started in Johannesburg or did it originate in London, because we understand it was first formed in Johannesburg and then transferred to London?

Mr. Gichuru: The headquarters have always been in London; all these others are branches. Perhaps the hon. Member will remember that even the National and Grindlays Bank was once named "The National Bank of India", but the changes in circumstances in India caused them to change that name. I think it was for the convenience of this particular branch in South Africa that the bank in South Africa was named "The Standard Bank of South Africa".

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House whether some of the directors are citizens of South Africa?

Mr. Gichuru: I could not say certainly, but I believe that the majority of them would be citizens of Britain.

Mr. G. Godana: Mr. Speaker, Sir, arising from the Minister's reply, does he mean to say that he never sees yearly returns from the bank which show how much profit they made, profit or loss, in this House?

Mr. Gichuru: No, I never meant that. I mean that the percentage profit, as I have been told, is

Thursday, 18th February 1965

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

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

PRAYERS

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE

(Under Standing Order 35 (b))

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I would like to move—

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

The Vice-President (Mr. Odinga): Mr. Speaker, on a point of order, I rise to move that the House adjourn now, in order to allow the hon. Members of the House to meet the President according to his request, in the Cabinet room now. This has been necessitated because there are so many very vital and very important decisions which the hon. Members wish to discuss and come to a decision about them with the President, and therefore I beg to move, Mr. Speaker, Sir.

The Speaker (Mr. Slade): Of course it is always in order for hon. Members to move the Adjournment of the House at any time as a point of order. The actual Motion, must be I think, the question that the House do adjourn until tomorrow at 9 a.m.

(Question proposed)

Mr. Khalifa: Mr. Speaker, Sir, I completely agree with the Vice-President's Motion because, as a matter of fact, Mr. Speaker, although we do not want to comment, there are some very vital issues, as the hon. Vice-President said, which all the Members of the Back Benches would like to discuss with the President.

I would like Mr. Speaker, Sir, to support the hon. Vice-President.

Mr. Nibogohi: Mr. Speaker, Sir, although I support this Adjournment, I still feel that it is going to be a waste of time for Members, time which could have been used to discuss the affairs of this country. It could have been left to the Parliamentary Group to settle the Adjournment of the House like this, but I am not opposing that, because I know it might be to someone's advantage. I have no further comments Sir.

Mr. ole Tipis: I think we support the Vice-President in moving the Adjournment of the House, but one thing must be made clear, that whatever vital issues there are they did not drop up only this morning. They were there yesterday, and the Government or the Cabinet should have summoned the Members last night if necessary. These things must be made very clear and whatever misunderstandings arose yesterday should have been settled immediately yesterday rather than adjourn the House and waste public funds.

Mr. Theuri: Mr. Speaker, Sir, I rise to disagree with what the hon. the Vice-President said. This is a lame excuse, because we had time for discussion yesterday. This is not the first time this is happening. Members must realize the position between the Government and themselves.

Now, Sir, there is no point in coming here and adjourning the House, because there are private matters to be settled. We had time yesterday in which we could have done this; we had time this morning in which we could have done this. This morning we asked the Minister to come to Parliament Buildings so he could discuss things with us. We had no reply to our request. It must be realized that we are hon. Members, that we come here to represent our people and that we must represent them properly.

It is not only the Members but the Government as well that brings criticisms all the time. This takes away the power and dignity of this House. I consider this very serious.

The Minister for Commerce and Industry (Dr. Kiara): On a point of order, Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): Order, order. No, it is premature.

Mr. Ngala-Ahok: Mr. Speaker, Sir, I agree with the Vice-President's proposals that the House do now adjourn in order to see the President. However, we are very much informed just like the Intelligence Service of this Government. We know everything that is going on in this Government and we do realize the machinery that is now being employed. There are Ministers who want to play with the personality of the President. It is very difficult to disclose the truth to the President at a convenient time, but we are not going to use the President as a means of warning us at some of these meetings so that we may decide to abandon some of the things that we hoped could be implemented for the benefit of the nation.

We know we shall soon have to get used to doing certain things that we did not do and that

[Mr. Ngala-Ahok] in all probability we shall be doing the very ordinary jobs our electors are doing. However, we are not going to let the nation down in this House.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to correct the impression that was created, that I was asked to come and I excused myself. I was engaged on very important work in the Cabinet and I did tell the hon. Mr. Kali this, and the issues that some hon. Members seem to feel are on my shoulders. My Members seem to execute the decisions of the main job is to execute the decisions of the Government. I do know as an individual that decisions can be made.

I think, Sir, this ought to be made very clear.

Mr. Gatuguta: Mr. Speaker, Sir, I rise to appeal to the hon. Members not to make any assumptions. I think it is absolutely wrong for anybody to think that he can make assumptions on what we have been called for. I would like to support the Vice-President on his Motion for adjournment. Some of us have spoken and said that perhaps we are going to discuss this issue which happened yesterday. We do not know. The Vice-President has not said what we have been called for. He has said that we have been called for some very important matters. We do not know what these important matters are and it is not our job here to try to assume what we have been called for.

So, Mr. Speaker, Sir, without further debate on this matter, I would like to support the Motion by the Vice-President. We will go to the President and hear what he has to tell us. If he calls us because of the matters which arose yesterday, then we will be right in our assumptions, but I think it is a waste of time trying to assume what we are going to be told by the President.

Mr. Shikuku: Mr. Speaker, Sir, I wish to make it known to the Vice-President who has kindly moved this Motion in this Parliament, that I want to make two or three observations. One is that we knew only too well that we had to meet today and discuss some items which are on the Order Paper. It is surprising and alarming how urgent this issue is, but I think that we can go on with our job for today so that we can meet after Parliament has finished, even at 9 o'clock and discuss these issues. I take the interests of the people seriously, the people whom we represent in this House. They are more important than the Cabinet and the Back-benchers, because the Cabinet and the Back-benchers are here only because people elected them

to come here. We should honour the people by doing their job first and then settling our own problems later.

Therefore, Mr. Speaker, I do not think there is any such need for such urgent discussion between us and the Cabinet and the President. I think we should first do the public's work and then have our own discussions on any urgent matters. I feel that this has aroused a lot of speculation about what is cooking and I just do not know how this is justified to create a sensation at this time, when we are actually working very hard to do all we can for our people. Therefore, I do not think that it is so serious that we have to adjourn the House. I would rather suggest that the House continues and have the meeting with the President after the House has risen today at 6.30 p.m.

Mr. Jahazi: Mr. Speaker, I think that the Members here today seem to be afraid of negotiating with the President. If the President has something for us today to negotiate with him, let us all go and see him face to face and tell him what made us freeze yesterday's Paper, because you all think you are politicians, you know all the tactics, and you know why the President wants to go there. What happened yesterday?

Mr. Speaker, Sir, this is what I think. Yesterday we found it necessary to freeze something and today we found it necessary to call the Minister for Finance and ask him to come to the Parliamentary Group meeting to negotiate with us, not as a Trade Union, but as politicians. Now we want something else. I support the Vice-President that we should go now and meet the President.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, I wish Mr. Jahazi to withdraw or rather substantiate that I have been plotting and planning.

The Speaker (Mr. Slade): Order. I apologize, I did not hear what Mr. Jahazi said because the Vice-President happened to be at my elbow, but did you say that, Mr. Jahazi?

Mr. Jahazi: No, Mr. Speaker, I did not. What I said was that the Minister for Finance had some discussions with Mr. Speaker, Sir, I never referred to the hon. Minister for Finance as plotting and planning. If he understood that, Mr. Speaker, that is not what I meant.

Mr. Ngala: Mr. Speaker, Sir, I stand to support the Motion by the Vice-President. Although the Vice-President has not explained or given reasons as to why the House should adjourn, I have a feeling that the President must have a very

123 Motion for the Adjournment—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): On a point of order, Mr. Speaker, what I want to know is somebody mentioned all the Ministers who had contributed this money, why was no mention made of the Vice-President?

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

Mr. Oduya: Mr. Speaker, Sir, I just want to say this and complete my speech which has been interrupted. It will be very bad if we change the system which has already been established, now we are working on our *Harambee*, *Harambee* encourages people to collect money locally but when we tell them to collect money they say that, "Why is it so much has been given to Such-and-such a district?" What we want before we make a collection is for you to ask the President to come here with his Ministers to give us so much then we will also go ahead and collect." This is why we are worried, and we are particularly worried in the way the National Fund here is now being treated. If we are not going to stop this kind of thing, Mr. Speaker, I assure the Members here that this country is going to be bought by people who have money and the Ministers in their power, and who have the right to approach any firm, and the firms are now interested in buying up these Ministers and making them stooges, puppets of the Western world—more than Ishembe in the Congo.

With these few remarks, I beg to leave the Motion as it is.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I must say that I must thank the hon. Mover of this Motion for a very logical Motion, the way he put his case. I may not agree with many of the things which he says, but the way he put it was really very clever indeed. I should ask hon. Members, normally when they put their case, not to add in some of the unpleasant remarks which keep appearing, which I think is very unparliamentary indeed. On the whole, I also share anxiety with some of the Members on this question; we may be anxious to do something to help genuinely. I can assure you that what the President and any other Minister has done, they have not done it with any bad intentions. I do not take it like that, or with the purpose of only going to buy the people, as the hon. Mover put it. I think that was a little bit beside the point, because if people in this country with millions and millions of pounds wanted to buy people here, we should not have even managed to rid ourselves of colonialism from this country.

If any person feels that he can buy the people of this country with money, he is deceiving himself. This cannot happen. In this way we are also trying to under-rate our own people. If you talk of buying our people you are only abusing the people who elected you to this House.

The Speaker (Mr. Slade): Order, order. May I remind you, Mr. Odinga, that you must address the Chair. It is not right for hon. Members to address other hon. Members across the Floor.

The Vice-President (Mr. Odinga): I would put it that it is not the case. What the Government is anxious to do is to arouse in these people the spirit of self-help. It is possible that on occasions this may have been overdone but in actual fact the President and Ministers were trying and were keen to arouse in the Members of this House and the people of the country that they should give freely, that they should make an effort to give what they can afford.

Let me put it this way. I am sure that the hon. Member is not correct in the facts he has mentioned, because he, himself, has not given anything whatsoever.

Mr. Speaker, Sir, I must say that money is very sweet to everybody. I do not think there is anybody who would like to give money if he can actually just put it into his pocket. Mr. Speaker, there are so many people who have received money and never given it away. I am sure there are some hon. Members here who may have received money secretly and never given any of it away. We may have like to have some of that money but have never received any of it.

Mr. Shikuku: On a point of order, Mr. Speaker, would the hon. Mr. Odinga, the Vice-President, substantiate or tell the House the names of the hon. Members he is talking about who have received money and whom he could point out to this House. We are very interested to know who these people are.

The Vice-President (Mr. Odinga): Mr. Speaker, I said I could substantiate if it was necessary. As a matter of fact I do not want to embarrass any particular Member by going into all the details.

The Speaker (Mr. Slade): Mr. Odinga, I am afraid that if you make allegations of that kind, allegations against individual Members or against Members of the House in general, it is necessary to substantiate, if we are to adhere to the rules of the House. If you like to withdraw, then there is no more to be said; but if you hold on to it, then it must be substantiated, and you must say who you are referring to and on what grounds.

The Vice-President (Mr. Odinga): Mr. Speaker, I would like to withdraw that statement because I do not want to embarrass any particular Member but reference has been made here which I think is more or less similar to that.

The Speaker (Mr. Slade): I think I must make one point clear here. I do want to clear up what has been said in this House so far. Mr. Makokha, in the previous discussion, did not suggest that anyone, President or Minister, had been doing these things with a view to bribing the people. He said there was a danger of people doing that if this practice continued.

Likewise, I think, all the way through there has never been any question of anyone suggesting that bad things are being done, but only that there is a danger that may come from the situation if it continues.

The Vice-President (Mr. Odinga): With all due respect to your ruling, Mr. Speaker, I think I should mention that there have been references to corruption, checking up on corruption and so on. These references have been made very plainly. I would like to state clearly that there is no such thing.

The Speaker (Mr. Slade): Corruption that may take place, rather than existence of corruption, Mr. Odinga.

The Vice-President (Mr. Odinga): Sir, I take this very seriously and I would request the Members to take it from me that the Government does hold the view that whatever any Minister has done, or the President has done, has been done with one particular motive, and that is to arouse the spirit of self-help. Normally, it has been with Members here. If you go to any other place you will find that any contribution to be made, is normally made after the Minister has led the way. After the Minister has led the way then what we do is only to try and channel this money.

I agree with what other Members have suggested, that we should now endeavour to find a way of channelling all future contributions. I would tell the House that the Government is seriously thinking of all the best methods of

actually giving assistance to any projects which are under way. I think that very soon there may be an announcement to that effect. At the present moment we do want to encourage the people on this question of self-help. I know there are some Members who are not very keen on this question, but we must know that it is an issue which is now open to us, an issue through which we can lead the way. We may not be able to give large sums but whatever we have, even a little, as the Mover has said, is acceptable. It is better to put one cent when you can afford only that much because there is more blessing on that than if you gave Sh. 1,000, but could afford Sh. 10,000. We, as Members of the National Assembly, must lead the way in self-help. I quite agree with the Mover when he says that it should spring from the people themselves. One must not always expect that the Ministers will come to give money.

I also agree that we should not depend for money on people who are not directly concerned with the country. It is better for the Government to accept anything from any other individual and put this money somewhere so that it can be used to help the people, help them with their various projects.

I must, Mr. Speaker, end by saying that all the views expressed here have the sympathy of the Government but the Members must understand the point of view of the Ministers. The motives which actually push them to start these things vigorously. That should be a credit to the Ministers.

As such, Sir, I would like to say that in the end it should not be taken as evil and should not be taken in bad spirit. Members must be in a position to face us here and at the same time face their constituents and explain to them everything that goes on.

ADJOURNMENT

The Speaker (Mr. Slade): We have come to the end of our half hour. The house is therefore adjourned until tomorrow, Thursday, 18th February, at 2.30 p.m.

The House rose at Seven o'clock.

MOTION FOR THE ADJOURNMENT

CASH GIFTS AT PUBLIC MEETINGS

The Speaker (Mr. Slade): It is now time for the interruption of business. I will call on the Minister to move that the House do now adjourn.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. Makokha: Mr. Speaker, Sir, I made up my mind to bring this matter up, not because I wanted to stop Ministers and the President from giving so generously, but to urge them to evolve a better way of making these offers, and also to point out the harm done and the dangers that face us as a result of these offers. Apart from the embarrassment certain Members and Ministers have had to put up with at public meetings, much more harm has been done. The National Fund has been completely siphoned. All the funds are now being directed towards certain areas, particularly those areas where Ministers happen to come from.

Mr. Speaker, Sir, much harm that has been done in that the spirit of self-help has been completely weakened. In some parts of the country, Mr. Speaker, Sir, people have believed that if a Minister, or the President for that matter, visits that area, he is carrying a bag of money with him to offer to them. Mr. Speaker, Sir, as a result of this, there is a scramble for Ministers. Some Members have tried to persuade Ministers to visit their areas, so that when the Ministers go there they will give some money to their people, and this is completely wrong.

Mr. Speaker, Sir, the spirit of self-help has been weakened for these other very important reasons. In the Press and on the radio, prominence is given to the money given by either the President or the Minister, and not the money given by the people of the area concerned. Mention must be made of the money, however little, given by the people themselves. This Mr. Speaker, should be done, because I believe and I thought that when we started a National Fund, it was to encourage our people to help themselves by giving money, however little, to the Fund.

Mr. Speaker, Sir, now for the dangers some of the dangers facing this country, facing us as a result of this, are in fact, moral dangers, Mr. Speaker. There is a temptation, Mr. Speaker, Sir, for some of us—and probably Ministers too—to look for other sources in order to compete in making these offers. Mr. Speaker, Sir, in fact,

some people are beginning to wonder what source this money comes from. Today someone gives Sh. 5,000 and tomorrow there is Sh. 10,000. We wonder whether our Ministers can really give so generously from their salaries alone.

An hon. Member: Their salaries must be cut.

Mr. Makokha: Mr. Speaker, Sir, the other danger is that certain Ministers, and even some of us Members, might try to gain popularity by the use of money. There is no doubt, Mr. Speaker, Sir, that at the moment, the people are very dissatisfied with the Government, for that matter, the Cabinet.

Therefore, Mr. Speaker, Sir, it is not too much to say that some—not all of them—Ministers may attempt to buy popularity with money at public meetings, or by visiting certain areas quietly and giving money.

Mr. Speaker, Sir, now a political danger can erupt. I can foresee certain Members of this House with less means being ousted by the use of money. What is to stop a Minister or another Member, for example, who does not like the hon. Mr. Anyieni, from giving money to his opponents, so that at a public meeting this man will give more money than Anyieni, and then Anyieni's personality will be minimized. This is a real danger.

Mr. Speaker, Sir, we all remember the biblical parable where a publican gave very little, and the pharisee thanked God that he was not like that man, who was unable to give as much as he was able to.

Mr. Speaker, Sir, we must not allow this to come into our politics. If we allow money to intrude and interfere with our politics, this country is finished.

Mr. Speaker, Sir, I believe that everybody here is aware of that famous definition of democratic government by Abraham Lincoln:

"Government of the people, for the people, by the people."

Now, what I can foresee here is the danger adding two words at the end of that definition:

"Government of the people, for the people, by the people with money."

Mr. Speaker, Sir, we must not allow this to happen, because who knows, tomorrow we may have a different President, probably not as rich as the one we have now. Where will he get the money to give to the people of this country? We must, Mr. Speaker, evolve a different system of giving these presents.

[Mr. Makokha]

Another political danger, Mr. Speaker, Sir, is the influence outsiders from the East or the West can gain by using money. They can channel their influence through certain individuals, by giving them money, so that the individuals go and dish out money to the people of this country.

Mr. Speaker, Sir, I am only a humble Bach-bencher but I urge the Government—for that matter the Cabinet—to sit down and think again. We must act like a civilized Government. Let us have funds, or trust funds, probably on either a constituency basis or regional basis so that even the President need not come to my constituency to offer cash, he can give to the National Fund; even if he is sitting in Nairobi.

Mr. Speaker, I see that the time is up. Therefore, I beg to move.

Mr. Oduya: Thank you very much, Mr. Speaker. Because the time is very limited, I will go ahead now and not waste time. Just to add to what my hon. colleague, Mr. Makokha, has said here, at one of the meetings at Machakos the President was invited as Head of the State. He went there, forgetting that we have a National Fund and throughout Kenya we have encouraged people to organize dances even, to collect money for this National Fund. The Government with its policy can say now what is the programme for Machakos District, Kitui, Busia. When the President was emphasizing this on the radio, he even called out the name of one of the Members here. "Wapi Kaggia, wapi the Member Kaggia?" Mr. Speaker, it is very shameful for our Government to start using this kind of language, because it is leading us to corruption.

Mr. Speaker, before I go further, to comment on what other Ministers have done, the President made a statement that those Members receiving money from foreign countries and who are found, even though they may be Members of Parliament or Ministers, they will be dealt with, because he feels that these people will give the Members money to upset the Government machinery. Who is now doing this sort of thing? You will find that the President has paid out more money than what he receives and we want to know how he does it. What sort of Government is this where your Ministers can just go to a private firm and demand money? We, as Members, also demand the same and then we go to the public and say, "Now the money is for us to contribute to you." We can go and ask Patel who has money, ask Williams for money to give to them. There is a National Fund which has been set up and it is

very important that we keep it going, not destroy it because it has no contributions. A lot of money has been sent in to the President at his home at Gatundu. He is spending it instead of taking it to the National Fund. The chairman of the National Fund does not get it. If the people in Kiambu want money, the money will have to be channelled through the proper channels.

Hon. Members: Sit down!

Mr. Oduya: We want to know if this is the economy and what kind of economy it is. It is terrible. Continuing on that, the Minister for Justice has contributed well over Sh. 300,000. Where did this Sh. 300,000 come from? It went to South Nyanza. He gave Sh. 10,000 to another hon. friend's constituency, Mr. Godia's constituency. Where does this excess money come from? People say, "Why do you not bring the President here so that he can give us money?" What can we say?

The President has been in several places and many people have noticed that when he went to the Coast he never paid out a single thing. It was the same again when he went to Kerinyaga. Now, Mr. Speaker—

Hon. Members: Sit down!

The Speaker (Mr. Slade): Order, order.

Mr. Mainsori-Itumbo: On a point of order, Mr. Speaker, can the hon. Member substantiate that the money given to Mr. Godia's constituency was foreign money?

The Speaker (Mr. Slade): I do not think the hon. Member said that.

Mr. Mainsori-Itumbo: He did, Sir.

Mr. Oduya: Thank you, Mr. Speaker, he was only trying to waste my time.

The Assistant Minister for Information, Broadcasting and Tourism (Mr. Onamu): On a point of order, is the hon. Member in order in referring to the President like that?

The Speaker (Mr. Slade): He is nearly out of order, it is perfectly true, in referring to the personal conduct of the President; but what is raised by this matter is really the conduct of the Government in the personalities of the President and Ministers. It is not real criticism of the President as a man; it is criticism of the way the President of the country are behaving. I do not think it would be right to say that it is beyond the power of this House to discuss in this debate.

[Mr. Gichoya]

County Council of Kirinyaga need electricity in our boarding schools, hospitals and clinics.

Now, Mr. Speaker, Sir, what I want to explain is this: it is morally wrong, if not politically wrong, to cheat your people telling them that you are driving towards the moon but, instead of going towards the moon we are being driven back into the ground. 25 per cent shares to be owned by the Kenya Government in so big a project which is expected to be the standard all East Africa in terms of electricity, is a very misleading approach to African socialism. At the same time, it is within the power of this country to control investment, otherwise we will find at one stage of time that all the big magnates who have already put their money here will say, "For heaven's sake our interests are being threatened; let us rule the country" as it has happened in the Congo. Because there industries were owned by the foreigners—by big companies of capitalists, and the forest were also owned by a company. So, Mr. Speaker, the Congolese have nothing apart from just a mere flag which was known as the national flag. They were dominated by the foreigners in terms of the national economy. Consequently, the foreigners said that because they had invested so much in that country, they must also control the political set-up of that country. I see the situation is very clear, whereby, in the course of time our Government will not be able to be dictated to by this House, but will be dancing to the tune of the big companies. In the course of time, Sir, we may not be able to talk freely that our people need peace and this and that. We can do practically nothing, and because I am a Member of this House I have a car, otherwise I used to walk, but I never died.

What I am trying to say is this. I have got my own personal car, I have got a loan.

Mr. Speaker, Sir, if we had to get loans as Members of the National Assembly, why on earth could not the Government of Kenya negotiate for a loan also with the international Monetary Fund? We are members of it, we are members of the United Nations, we have an Economic Commission for Africa. We will go to America, to Russia, and tell them, "O.K., you can have us on these terms." The Kenya Government should encourage foreigners to invest, but 51 per cent of the shares ought to be in the hands of the Kenya Government.

If you want £20 million, then you must make it clear to the company that gives you the capital to put into the project that over the course of the years the Kenya Government will have 51 per

cent shares in it. So you have given a mandate to the financier in writing that in the course of time he will be able to retain only a certain portion, and the rest will belong to the Government. Now these things are not stipulated in the agreement which the Minister is trying to explain to us with regard to the arrangement between the Kenya Government and these big financiers. I feel, Sir, that we shall be misleading the country and I confess, Sir, that I would be the last person to talk of one thing and do the opposite. When we have already committed the country to a socialist approach, I have sometimes been humiliated by my voters when they say, "Gichoya, we elected you unopposed because of this beautiful book. We read it, we were satisfied that if only Kanu came into power these things could be implemented." What do we have now, when we have already promised the country? Can we agree to go back to the field and say, "All right, we cheated you. After cheating you, let us draft another manifesto and you can vote for it?" This Kanu booklet is a mere manifesto which has not been implemented.

I say so, Sir, because this is the exact Bible of our political party; the Bible that guides the destiny of the Cabinet, if I am correct. Since the Cabinet is the by-product of the Parliament, and the Parliament is the product of the Kanu Party, so through the Bible we have a father. We must think of this first and the people whom we represent. The Minister should go back, revise that particular paper, say that we are going to have a project for the electrification of our country, which is very good. We do not say that we do not have confidence in the Minister or in the Government, but where the Government is wrong, where our Minister is wrong we are entitled to correct the Minister; and of course if we are wrong too we ask to be corrected. So we are trying to suggest to the Minister so that we do not have a tug of war, voting No or voting Aye, so that we speak with one voice. This thing ought to be sent back to the Parliamentary Group so that we discuss it nicely, clause by clause; and then Minister will just take a few hours to explain here. And if there are certain things which must not be disclosed to the public—I know there are going to be certain arguments which were entered into between the companies and the Government but those things can be discussed within four walls, in other words, *in camera*; it is not a question of public discussion.

So the Minister wants co-operation; and I seek his co-operation very much. If he wants the co-operation of the Members let him listen to them.

[Mr. Gichoya]

But we have seen an attitude of demands being made for co-operation from the Members.

Mr. Speaker, Sir, a little while ago, when we had a two-party system here, I used to be called by people sometimes "Kadu". Let me make it clear that I was Kanu from beginning to end. I used to express people's problems, their headaches. If I do so sincerely, then I am called this or that. However, that was the disease of the two-party system. Now the beauty of the one-party system is this: that we are able to discuss like adults, make corrections where necessary. It is not a question of dictatorship by the Cabinet over the Members. Sir, I must assure the members of the Cabinet that there are brains in the Back-benchers. Perhaps the time will come when we shall be Ministers. But now, when they are in power, let them heed our advice. When we shall come into power too, we shall respect their advice that they will give us. I would like the Minister to go home and discuss things and find out the answer.

The other thing I wanted the Minister to go and think about and try and get the answer to is this: we would like to know very much what will be the purpose of the waterfalls from that particular project. Will it be a waste? Will it be used for rice irrigation, or for cotton irrigation? These things ought to be made very clear to us: that when this project comes up we shall have this.

I say that it is very unfortunate that those people charged with the duties of planning for us have failed us. You cannot say that we have got this project, this and that, that we are having enormous economic planning, if you have indeed committed ourselves to planning; you have to state things, make little books, writing things like: "By this year, such-and-such will be achieved;" "By next year such-and-such will be achieved;" "By today we are kept completely in darkness, as if we are not part and parcel of this Government. If the Ministers know definitely that the project is in so many phases, why on earth have they failed to give us the details of the project?"

The Minister said, when introducing this debate: "We want to have this Bill passed immediately so that our President is facilitated in going on with this."

Mr. Speaker, Sir, the dignity of our President is manifested in the progress of the country. If this country in any way becomes corrupted, if it is full of corruption, the name of the President will be really destroyed. Our President will not have the dignity he has today. How can this

dignity be if we are dominated by foreign investors in this country? We are citizens of this country and I believe there are people in this country some millionaires even ought to have invested in such projects, otherwise the name of the President as our leader will be remembered in a wrong way. We want to preserve the beauty, the dignity of the name of our President, the beauty, the integrity of our President; and to do so we must get out of economic subjugation to the colonial web. If we allow others to rule this country with their own money, then, Mr. Speaker, Sir, I will resign and not be a Member, not be someone who is supposed to make the laws for the good of this country.

Let us do justice, Mr. Speaker, Sir, let us do justice to our constituents, let us do justice to the aspirations and feelings of the ordinary person who, up to this moment, has been waiting to see what progress we make.

It was just a few days before the Republic, Sir, when one stranger, sitting in the Strangers' Gallery, asked, "Where is the independence, where is the independence?" If you will look at the situation of the country you will see why he asked that question why he cannot see independence. What happens is this: we are told that there is no more white domination, Africans have more authority than they used to have before, but there is always this talk on the part of the Ministers, "Please, please, we guarantee this and this and this to you investors; please we beg you to come."

The Speaker (Mr. Slade): Do you want to speak a bit longer, Mr. Gichoya?

Mr. Gichoya: Just one minute, Sir.

Now, when a foreigner says he wants confidence, it means that he has no confidence in you, but when he was ruling this country the same person, who is now hurrying away and he wants confidence to be created, that same person had confidence in you when he was exploiting you. So exploitation of the Africans is the confidence of the exploiter. I advise the Minister that we are not here for a tug of war between the Cabinet and the Back-benchers.

Mr. Speaker, Sir, I will continue tomorrow on this. I would like to allow the Motion on adjournment to continue now.

The Speaker (Mr. Slade): You would like to continue your speech when we resume the debate.

[Mr. Muliro]

in other words, the public of this country, holds one-third of the shares. Now, that is, Sir, per cent whereas in this particular scheme, Sir, we are only going to own 25 per cent, a quarter. That is going down the scale. This, Sir, is something which is most unwelcome. Whatever measures we take, and we cannot own a bigger share, we have said in this House that in undertaking industrial nature in this country, the citizens of Kenya should at least have the controlling share.

Now, the Government has not made any effort even to flood the market in Kenya, even to call upon the citizens of this country to contribute some money in order to own a share in this project.

I have said that we are contributing 25 per cent, 75 per cent is to be subscribed from outside. This, Sir, is not in the best interests of this country. Sir, we appreciate that electricity and power for developing this country is very, very necessary. Without our power any project industrially is virtually impossible, but that is the greater reason why we and citizens in this country, should have a bigger say in our power. Unless we have a definite say in our power then we can be rendered hopeless, our project will be detected in this country by the money magnates, the power security of London, and the United States and West Germany are going to dictate pay for industrialization in this country, because they will have the controlling share. Sir, this is my main observation which is a disappointment. There must be a definite clause in the Bill.

I have read it, and I have not seen the clause. A clause which should provide for the eventual take-over of the electric power in this country. We in this country, Sir, are not going to speak and talk in this House for the sake of talking. We want to deliver the goods to our country, and Sir, this clause should have been included in the Bill, that eventually this power is going to be owned by Kenyans themselves. This is what I feel, Sir, the Minister has failed hopelessly in getting across to the people who want to come and invest in this country. We have said here, Sir, that the investors who want to invest in Kenya do know themselves, and they are not idiots, they are not fools, they know economics better than our people who go to negotiate with them, they know that Kenya has a great potential for this particular investment that is why they come here.

Now if they know that, we should also say all right, you are coming to this country, but our terms are going to be X, Y and Z. This is what we should do, but not just say all right, willing

receiver, ring whatever you want, come in and take over our country. Unless development is owned by ourselves, money from outside is not going to be of any use to Kenya. The people of Kenya themselves must save so that they can invest in many of these national projects, and there is nothing at this particular moment of greater national importance than power for our industrial development in this country. That is why, Sir, we feel on this side that the Minister or his Assistant or any other person versed in economics on the other side of the Government, will tell us how we are going to effect socialism in Kenya, if this is the way in which we are to move.

With these few words, Sir, I beg to give my support.

The Vice-President (Mr. Odinga): Mr. Deputy Speaker, Sir, I stand to explain a little more on some of the points which have been emphasized, but which at this stage should have been reserved as my hon. friend, who has just sat down, said. He reserved something in himself. There are certain things which you must reserve in yourself and note the policies which we are pursuing; establishing some concern as the one which will be established, is one thing. The policy which he is going to pursue later is another one. You cannot mix the two.

Some people talk of actually getting loans. You already have somebody who has ready cash, who wants actually to come to help you to establish this industry. The conditions of the future of this project depend on you here. The last speaker said very well, that the people here should think of this themselves—get the money, get all these things. No one actually refused you in the first place. You could form yourselves to buy out those people who actually are going to help you to do it. They are only giving you breathing space to prepare yourself to do it. You must understand that where we are we are in asking and we are moving towards what these people want because the Government has not asked you to go to join these people, it is the Government which is looking closely into it. I do not see why our promise is actually broken. The Government is working according to finances which are at its disposal. It could not go again to borrow money from somewhere and join these people. It has to borrow because when those people come, they establish this very important industry and all the Members will say that it is up to the people of Kenya, if they can, each year, they feel that they want to have more and more share in this and it will always have to be started here. Why do you go to get something when this is the most

[The Vice-President]

important establishment we are going to have in Kenya which they have not had anywhere in Africa. There are very few establishments like this one. I do not think we should just disregard our policies and then probably what is coming on. I think the best thing for us is to say that we will wait for the establishment with us, and the policy he is going to pursue later on, that is your own and not any other thing, and as such Mr. Deputy Speaker, I would only request the hon. gentleman that there are something where we must have reservations and we must have the conclusion considered.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I am very grateful for the words of the Vice-President which I thought were very well calculated.

We have been telling the people that we are here to build an African Democratic Socialist State. The Father of the Nation was clever enough to give us definitions of African socialism. On the social and cultural aspect, he talked in terms of Africans, but when it comes to the question of socialism, the socialistic approach is an economic approach on the modern accepted socialistic concept. It is here with the signature of our President. Because we participate freely without any force. Now, here comes a Member just now who made it very clear, and I have been trying to find out from the Minister for Works and Communications how much percentage in terms of shares do we really have in the East African Power and Lighting Company, because at one time he told me here in this House that we have a controlling element. Can he say what this controlling element is, when we have 33 per cent? Where does the other 67 per cent go to? Today, you go to Kariokor, or Bahati, or just here Muthura, not even far away, and you cannot see any African houses with electricity. And, this Government of ours is an elected Government, popular Government, elected by these people who are living in these small dwellings, without any electricity.

Mr. Deputy Speaker, here I have to thank the Government of India for taking certain steps when they came into power: of making electricity the property of the State, and not private investors. You go to New Delhi where you find that an ordinary person can afford to have electricity in his own small dwelling. There the electricity is so cheap because the State does not want to make any profit out of it, but it is prepared to serve the social needs of the community. With poor light, Mr. Deputy Speaker, my eyes cannot see properly, yet I want to read properly. If you look at the Africans of today, if they are

taken for a medical examination, I guarantee that most of them will have to go to the opticians for glasses, because firstly, there is no electricity to provide proper light in their houses. It is very expensive.

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

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

In my own place, Kirinyaga District, we cannot even put up an X-ray plant because we do not have enough money for the generator, since we do not have electricity, because electricity is a monopoly of a private entrepreneur.

Mr. Speaker, Sir, according to the conditions under which our National Flag came into being, we said and even the Father of our Nation said, we would no longer be dictated to by East or West. That was one thing.

The Speaker (Mr. Slade): That has nothing to do with this.

Mr. Gichoya: It is to do with mutual agreements between Kenya and other countries. When we have friends from all corners of the world they can give us assistance as in the youth service. Why on earth can we not tell a country like Russia that instead of building us a college like the one at Maseno, the Agricultural Institution which is going to be run there by the Russians, why could we not tell them, as friends, that we want to enter into a venture with a private entrepreneur in order to give light to the ordinary people of the country? If construction with this is the Seven Forks project for electricity, we will tell them that if they cannot give us this aid without any interests, let us have it in the form of a loan which will be payable after, say, fifty years. Then the Kenya Government will say, according to what our Father of the Nation has said, we aim to build a country where men and women are motivated by a sense of service and not driven by a desire for personal gain. Our people have the right to be free from economic exploitation and, also, inequality. Now, these are the words of our greatest leader, that this country has to be built in such a way that the greater benefit, economic benefit, goes direct to the greater number of the people. In our own social centre we are using, instead of electricity, a sort of machinery so that we are in a position to see television in my own area where electricity is just 24 miles from the corner where there is a big plant, but because the Government has only 33 per cent shares in the existing electricity company operating electricity here, the Government cannot provide us with electricity. We, the

[Mr. Anylen] characteristic belief that unless it is private, it will never survive. So, I would like to find out from the Minister, because I am sure if this was done by loans, Government would even make more money from here to help to repay some other loans, besides the loans that they have for the hydro-electric scheme. So, I would like to ask the Minister to take into account that in this House several times, very many hon. Members have demanded the nationalization of the East African Power and Lighting, and while we are demanding the nationalization of what exists, I do not see why the Government should go even further to encourage private participation in a profit making thing like this, which would help the Government.

Mr. Speaker, I would like to ask the Minister whether it is the Government policy never to fully participate or take over some of these means of production. If it is, then the Minister should be able to know, but they cannot get money to provide for education, and free medical attention. If, for example, the Seven Forks Hydro-electric Scheme is going to be in private hands, what we understand is that if overseas people are going to have 75 per cent of all the money which is going to be used, it means that 75 per cent of this profit will go overseas, and only a little will remain in our country. I personally feel that if it was a dangerous project, the overseas companies and administrations would not be willing to spend so much money in a project which they know will not give any money back.

So, Sir, I will conclude by saying that this is a very highly profitable institution, and as such, Government should be able to try and get some money as a loan.

Mr. Speaker, Government will have an excuse. If Government tries to get loans, and had been unable to get loans, then of course they have no alternative. They will then agree for somebody to take over the whole scheme. There is no other alternative. But, the Minister would be able to tell us that they tried as much as they could to get loans from some place, and the conditions which were attached to the loans for which they asked from other areas, and when they compared these conditions, they were not for our country. As such, they decided to agree to 75 per cent. If the Minister is asking this House to conform to what seems to be the Government's policy of prolonging neo-colonialism in our country, then they should be able to tell us. Even the hon. Members who are in this House now should be able to demand that we use this, and ask our Government to approach countries such as the United

States, and Britain to get a loan, but we do not want our Ministers to continue in the economic reconstruction to lean more and more to one side and take some payment of economic neo-colonialism in our independent country of Kenya.

So, Mr. Speaker, with those few words, I would like to say if Kenya is to be truly independent, the Minister should be able to recognize that if these people control 75 per cent, it means that if these people control 75 per cent, they will also have 75 per cent, and as such, if the conditions are not favourable for them, they will tell them that what they will do is cut the electricity, to say Mombasa, Kisumu or some other place, and then Mzee Kenyatta will say that as there is no electricity, his Government may be crippled, so he had better agree to what these people want. This is what we are trying to take care of, and we would like the Government to be honest and tell us honestly that they have not been—I want to make this quite clear in the mind of the Minister who is going to reply—able to get a loan to be able to carry out this project. What can we do if we cannot get a loan?

Mr. Speaker, with these few words, I want to oppose very strongly the idea of inviting any more than 75 per cent ownership in our independent country.

The other idea, is that when the Minister says that there should be equal shares, there should be even more, Kenya people should be asked to buy shares so that people overseas will not have the chance, and Kenya Government will have half the shares, and the people of Kenya will have the other half the shares. The Kenya Government can then say that we are equal. So, for that reason, we are going to have one of our Parliamentary Secretaries there as one of the Directors, so that he can keep an eye on things.

So, Mr. Speaker, Members of Parliament can be given a chance to buy one hundred shillings worth of shares, and the Minister may be able to have about one thousand. This will mean that this project belongs to the people of this country, but to allow people to bring 75 per cent of outside capital here, is making Kenya a colonialist country, economically, because that is the reason why Britain colonized our country, in the first place, so they could have the lion's share. If the Minister, in a Republic, wishes to maintain this, then I will say nothing but I know that the majority of hon. Members may not agree with this and that this is not representative of the wishes of the majority of the people of our country.

[Mr. Anylen]

Therefore, I wish to oppose this thing very much and I ask the Minister to study it alone. We shall oppose this otherwise.

Mr. Komora: Mr. Speaker, Sir, I do not think I have any more useful remarks to make on this Bill, but I have two points which I would like the Minister to explain clearly to us. One point is the Minister to explain clearly to us. One point is section 13 of this Bill which is amending section 134 (7) of the Principal Act. This subsection 7 of the Bill, "Where the Minister authorizes the compulsory acquisition of any land by a licensee for the purposes of a generating station, substation or switch station, such authority shall constitute—(a) an acknowledgement that the Government is satisfied, in terms of section 40 of the Land Acquisition Act, 1824, of India." The reason why the Minister should quote this Act of India I do not know, perhaps it may be that this country does not have an Act to acquire land compulsorily. I believe we have passed this kind of Bill. My hon. colleague here, Mr. Osogo, says that I am ignorant, Yes. Therefore I need explanation from the Minister.

The second point is this, Sir. The Minister has stated very clearly that any land which will be acquired compulsorily will be compensated for by the Government, but he has not stated the kind of compensation that will be paid to the land owner, whether it will be in cash or in kind. In this connection, I was thinking that the Tana River land is undeveloped, and at this stage the

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

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

Government may seek to get the benefit from paying very little money to the landowner. When the land is developed someone who wishes to buy the land would pay a lot of money. Therefore I here suggest that if possible any land which is proposed to be used for this scheme and which the Government would wish to acquire compulsorily should be paid in kind. Such as in terms of exchanging. The Government, say, takes one million acres of land so they pay in compensation to the landowner—the county council or a person who owns the land—one million acres of land. This, Mr. Deputy Speaker, is possible in Tana River because most of the land is Crown land which has now reverted to Kenya Government land. I do not think that in this connection the Minister will have any difficulty, or the company in question will have any difficulty in exchanging this procedure. It is a matter of taking compulsorily one million acres of land and giving

the land owner one million acres back. There will not be any more problems after that, bar. That is all.

Another point, Mr. Deputy Speaker, which I disagree with is the remarks as made by the Member for Majoge-Bassi, Mr. Z. M. Anyieni, on the establishment of this scheme. He suggests that the Government should have 100 per cent ownership. I think my friend fails to understand that the land is there. We have the land all right. We may pass Bills of this kind and acquire land, even if the land does not belong to the Government. If we pass the Bill we shall have land. That fact is there. The second point which is required for this purpose, in this connection, is skill or proficiency.

I do not think we have the people who have the efficiency to work on a very big scheme like this. I do not think that the Government in the present position will be able to pay so much money to the technicians who will be working on the scheme. Therefore, it is advisable for the Government to allow this scheme to be established and have a quarter of the shares at this initial stage and later on resort to nationalize it. If we think of owning the scheme right now, it is possible, Yes. Then, do we have the necessary capital to establish this scheme? Now, Mr. Deputy Speaker, Sir, my hon. colleague has asked the Minister to state whether the House fails to secure loans from overseas. On this fact, I cannot say much, but I do not think that the Government will be so stupid and not ask for a loan from overseas and let such very valuable business be stopped and therefore lose the money which could be gained by the Government.

I do not wish to speak much for the Government, Mr. Deputy Speaker, as I am not in a position to know the exact agreement which requires the establishment of this scheme. I hope the Minister will give us full details on all the remarks we have made, so that we understand and can be in a position to allow the Bill to be passed or rejected.

Mr. Muliro: Mr. Deputy Speaker, Sir, while I welcome this move of the Seven Forks Hydro-electric Scheme, a scheme on which I myself worked on for about three years to try and get it in operation, I want to make some definite observations. I think, Sir, if our Government is very sincere, then the policy which ought to be pursued by our Government is that which will eventually make Kenya an independent socialist African state. We should move in that direction. For instance, Sir, the present East African Power and Lighting Company. The Kenya Government,

(Mr. Mbogob)

Mr. Speaker, the Minister calls this Bill and 1884 Act. The scheme is to be set up at Seven Forks. However, I feel that this Bill is so old that I think there should be another Act to replace it today. I know this Bill is already contained in the Constitution but another Bill, a new one, should be drafted to replace this old Bill which was instituted during the days of the Imperialist Government. That was done before we even thought we would ever have our own Government and the Bill now definitely needs replacement.

I do not have much more to say and I would support the Minister if the compensation to be given to the people is reasonable.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I have no quarrel with this Bill and I only rise to seek a little information from the Minister.

This scheme, the Seven Forks Scheme, affects a large part of my constituency and I would like to know, when the Minister did explain that the people whose land will be affected by this scheme will be compensated, exactly what he meant. I do not know whether this compensation will be paid to the people who have title deeds on their land or it will be paid to the people whose small holdings, where they live and where they have built their houses, will be affected by this scheme, regardless of whether or not they have title deeds. This is a very important point because a large part of the area has no land consolidation, and consequently people have no title deeds. So, the Minister should make this point very clear. We want to know whether those people whose land is confiscated, whether they have title deeds or not, will be affected by this scheme and whether they will be paid compensation.

I very much welcome the Bill because we want our own independent power plant whereby Kenya will be able to move forward.

With these few words I support the Bill.

Mr. Masinde: Mr. Speaker, Sir, I also do not have much to say because this Bill is very straightforward. I think it is necessary that I agree with the Minister *in toto*, but I have two points to make.

One is this. Since the electricity plan the Minister has in mind is to operate in the Eastern part of Kenya, probably including the Central part of Kenya, one thing which is important when we talk about development in Kenya is that we

have to consider all parts of Kenya. Here we already have a supply from Uganda and this supply is made to some parts of Kenya. If this new plant is established I would suggest that in Western Kenya that should receive the supply from Uganda so that nearly all the villages in Kenya will have electricity.

The other point is in connexion with the complications which I have always experienced from dealing with Government or the Power and Lighting. From time to time people have made requests and have not been actually refused but are told there is not a big enough demand to warrant the supply of electricity, like in Kakamega. These people in authority did not refuse the supply of electricity but the point was whether the people would be compensated or not. When the people heard that the electricity line was to pass through their *shambas* that was their main worry. The District Commissioner held *Barazas* with them, tried to assure the people that whether they liked it or not that was the decision of the Government and the electricity line was going to pass through the *shambas*. This caused the people to come and say that if outsiders entered their *shambas* they would be dealt with severely, the people would bring their pangas and attack them. Sir, these were some of the things which confused the people.

The other question was with regard to money, whether these people were to receive compensation and how long it would take before this compensation money was to be in their hands. The people wanted money immediately. They believed that if their land was taken on a certain day they had to receive the compensation on that very day. These were some of the conditions which was the cause of many difficulties in Kakamega.

I would like now to deal with another question. It is suggested that Tana River is the place where this scheme is to be set up and the Kenya Government has placed very strong emphasis on this big plan which is to be established at Seven Forks. We are being asked by the Minister to pass this Bill but we should not be told tomorrow when we ask for development in other areas that we should approach the Minister for Agriculture, or the Minister for Industry, and then in their turn these people tell us, "Sorry, we cannot do anything in your area because there is no electricity supply there." Here we are giving approval for the new scheme to be started in a certain area and in a way this is an approval so that we are sure that nothing in the future stands in the way of development. That is why I say that it is a straightforward Bill, that we can go out to the

(Mr. Masinde)

and tell the people that we have to co-ordinate with the Government if we want development. We must give our land when it is asked for and in its turn Government will give the people compensation.

With these few words, Sir, I beg to support the Bill.

Mr. Anyleni: Mr. Speaker, Sir, there are a few things that I would like to mention to the Minister concerned to take into account.

First of all I would like to repeat certain things that have already been said but this will only help to make the position clearer.

The Minister has said that the owners of the land will be given fair compensation. I have an example in my area where Government took over land to build shops and did not pay the owner of the plot anything. When the owner of the plot wanted to have another piece of land to build a shop in that place he was asked to pay Sh. 1,500 for that plot. Sometimes Government will pay so little.

We would like the Minister to protect those people on whose land this scheme is going to be set up so that they will be able to say that from this year to another that they, the owners of the land, will receive so much. As progress goes on then these people should be in a position to get more and more money. It is unfair for Government to take over land and as I can see here Government is going to have 25 per cent of all the shares. This is what the Minister has said. He has explained that the partners will hold equal shares which means that Government will have only a 25 per cent share in this project. It is not fair for the Government to take over land in this manner, 75 per cent of which will be owned by some other people who come from overseas. The land on which the project is to be established you will find that the owners are so poor that in many cases they cannot even send their children to school. This looks as if Government actually robbed these people. So, I hope that what the Minister means by "fair compensation" is that sufficient compensation will be paid to these people. I think the Minister, as the Member for Yatta has just mentioned, should look after the interests of the people. The Member for Yatta should get in touch with the Minister on behalf of these people. They should get a lawyer and negotiate fair rights for these people. This is a project which is going to bring a lot of money.

There is yet another point and that is in connexion with the question—the Minister has not yet been able to tell us how much electricity

will be given out from this scheme. He has not told us where this electricity is going, which places will receive it from, say, Kisii, Meru, up to Kisumu, up to Undani, and so on. I think this is a matter of interest to the Members of this House because I think we ought to know all the details in order to enable us to tell the people that we have just passed a Bill and very soon certain areas will be having electricity. I think the Minister ought to have clarified that point.

The Government is going to spend a lot of money and through Government initiative some people from overseas are going to spend money on this project. We would like to know the conditions, the circumstances which were taken into account before Government decided to set up this scheme. I do realize that such a project will not be able to cover all areas of Kenya but Government should be able to indicate why Government preferred to take the action it did. We would like to know whether this project could not have been set up elsewhere, whether it would not have been more productive to have electricity from some place and pass this on to other areas. We would like to know the terms and conditions the Government took into account in order to decide that this electricity plant was going to be set up in this particular area and not in any other place.

I have heard of hydro-electric schemes: for example in Uganda, in Ghana, in Egypt and I have heard that the Governments of the countries mentioned know that if you set up a hydro-electric plant you are going to get a lot of money from the masses. As such, most Governments have taken a step towards what many of the Ministers may not want to hear, but what they may be afraid of, and that is African socialism. In this particular respect the Government of this Parliament have tried to get a huge loan from somewhere to start up this hydro-electric scheme, and the profits from this scheme will be the money to pay back to the people from whom they borrowed the money. This is a sure method of getting the loan back. For example, it is surer than giving somebody a piece of land to cultivate. So, I would have thought that the Government should have land from our neighbours, Uganda, Egypt, where these people have big loans, long-term loans, thirty- or twenty-year loans, and this scheme could be developed in such a way that it will cater for the most part of the country.

Mr. Speaker, I think here I would like to say that our Government—I do not know why—seems to be scared of turning out projects by themselves. I do not know whether it is here that the project may flop and, as such, they have to have private enterprise, or it is the normal

The Speaker (Mr. Slade): There has been no question of your integrity.

Several hon. Members: Sit down!

The Speaker (Mr. Slade): I think you ought to sit down. Have you finished with that point, Mr. Kase?

Mr. Kase: I was wondering if there is any Standing Order that can make Members bring this particular amendment again during this Session.

The Speaker (Mr. Slade): Yes, yes, Standing Orders are there and they can be amended by this House. Any hon. Member can move at any time in this House an amendment to the Standing Orders, including amendment to the amendment we have just made.

NOTICE OF MOTION FOR THE ADJOURNMENT

EVICION OF SQUATTERS IN LAIKPIA

The Speaker (Mr. Slade): Before proceeding to the next Order, I would like to refer to the matter that Mr. Kariuki wanted to raise on an adjournment. I did say we had fixed it provisionally for tomorrow evening. I now find that the Minister concerned is the Minister for Internal Security and Defence. As he is not here until next week, it will be impossible for him to deal with it tomorrow, and we will have to put that matter off, to be raised at the end of ordinary business next Tuesday, the 23rd February. We shall not be able to take it tomorrow.

I forgot to remind all hon. Members today, that as the close of ordinary business today there is a matter to be raised on the adjournment by Mr. Makokha concerning the President's and Ministers' cash gifts at public meetings for local projects.

BILL

Second Reading

THE ELECTRIC POWER (AMENDMENT) BILL

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to move that the Electric Power (Amendment) Bill, 1965 be read a Second Time.

Mr. Speaker, this is a very important Bill and Government attaches great importance to it. The intention of the Bill is to give the Government powers to be able to acquire land compulsorily for public use as far as electricity supply is concerned. It has been necessitated, Sir, by the

fact that Government has a very, very gigantic project to supply electricity throughout Kenya by carrying out the Seven Forks electricity project in the Tana River area. In this area, Mr. Speaker, land will be needed for the construction of electricity stations; there will also be land which will be perhaps submerged by water when dams and reservoirs are built for the supply of water in order to generate electricity.

It is the desire of this House, Mr. Speaker, I am sure, to see that Kenya gets as much electricity as she needs, and in conformity with this policy the Government is inaugurating this Tana River scheme so that the supply of electricity can be sufficient to meet the needs of this country. Sir, the Government has drawn up a programme of industries and factories here and there, and without an adequate electricity supply it would be very difficult for these industries and these other projects to be able to go very far unless we have sufficient electricity.

Mr. Speaker, under the present Constitution, in section 209, there is a clause which empowers the Government to acquire land for public purposes, but this has not been every effective in so far as this particular project, or rather, electricity supply, is concerned. We want to acquire land which perhaps may be owned by private people; we want to acquire land which may be owned by other public bodies such as county councils and so on. Under the present laws, there is an Act called the Kenya Land Acquisition Act of 1894, which is normally applied to Kenya when any land needed for public purposes is to be acquired. This is merely a copy of an Act which was drawn up in India some time ago, and which has been applied in Kenya for this purpose of acquiring land from private and also public title owners.

Mr. Speaker, I do not need to say very much in this introduction as the objects of the Bill have been summarized on page 4 of the Bill. Members who have had the opportunity to read through this will understand the aims and objects of the Bill. The passing of this Bill is so important that it has to go through if we are to be able to expedite the work which we are doing in the Tana River area to start on this big electricity supply project. Unless the Bill is passed, it will be very difficult for the Tana River Development Company, which is a company to run this electricity supply project, to be able to go ahead as fast as Government would like it to do. The Government acquires land on behalf of this company.

Perhaps I may draw the attention of the Members to the fact that this company will be operated

[The Minister for Works, Communications and Power]

by four equal partners: the Kenya Government, the East African Power and Lighting Company, the Power Securities Limited and the Commonwealth Development Corporation. I am not going to dwell on the nature of the agreement but the whole thing is that after paying the loan, which will be used to build this large project, after paying the loan the entire project of electricity supply will be owned by the Central Government one hundred per cent.

Sir, the Bill here says that the Minister will have powers to authorize a licensee to be able to acquire such land, and when the Government does authorize a licensee to acquire such land, the Government will normally give notice; this notice will take some three years before it is actually effected. This is to give the owner of the land ample opportunity to be able to prepare himself and to quit the area. The Government will make sure, according to another section of the Constitution, that this man is paid due compensation on his piece of land, because, as Members will know, the Constitution of Kenya provides that there will be no appropriation of property unless it is well compensated.

Mr. Speaker, during that period of three years, it is intended that the person owing that piece of land should not further develop that piece of land while he has had notice; because that will mean perhaps that by developing that land more, the price of it may be inflated, and the compensation therefore exaggerated to such an extent as to make the work of the company even more difficult to carry out.

Mr. Speaker, we have had experiences elsewhere in the country where it was difficult even to have electricity lines passing over pieces of land. I do not want to quote instances, but hon. Members here will know where we have had these difficulties; in Kakamega and so on we have had difficulties of this kind. Therefore, in order to make the Government and also the Power Company able to go ahead with the supply of electricity we thought it would be better to bring this Bill and better to have these amendments to the Electricity Act so that throughout Kenya the Government and this Power Company would find it easy to go ahead with the planning of electricity supply which means so much to all of us.

Mr. Speaker, Sir, I believe I have said all I should say at this juncture, and I would therefore appeal to hon. Members to see to it that this Bill goes through. There is nothing controversial, Mr. Speaker. This Bill is straightforward and there are only a few amendments here and there.

Sir, compulsory acquisition of land is provided for in the Constitution and we are merely taking it here as a matter of formality in order to acquaint Members with what is happening. Everything that we are talking about in the Bill is already provided for in the Constitution.

As I have already said there is no worry about land because landowners are going to be compensated properly.

I would like to disclose something here. We are going to begin this giant scheme on the 5th March and the President has very kindly agreed to mark the opening ceremony on the day I have just mentioned. So, this Bill is extremely urgent and important.

Mr. Speaker, with these few words, I beg to move.

The Vice-President (Mr. Odinga) seconded.

(Question proposed)

Mr. Mbogoh: Mr. Speaker, I do not have very much to say about this Bill but when the Minister was speaking about this Bill I expected him to tell this House how much money he refers to when he talks about compensation. The reason why I want to know that is because many times the Government has referred to something as "reasonable" and when it comes to valuation of land you find it has been valued at the lowest possible price.

The second point, Sir, which the hon. Minister did not make was to acquaint us with the consequences after the acquisition of this land. Now, this scheme is being operated by four partners and the Minister says that these are four equal partners. Now, if this land is acquired and this scheme is taken up by the four partners then we should like to know whether these partners will continue operating on this land by right or whether the companies have also the right with regard to this land which will be confiscated from the owners who will be compensated by the Government or the companies. So, Sir, I would like to know from the Minister as to whether the costs of the compensation will be borne by the Government and by the companies equally. Also, in the case of this scheme being taken over by the Government will the companies who have had a share in the land claim that this was their land and hence must have a share of the profits made. If that were the case then it would be a failure on the part of Government to invite people to come and buy land which the owners did not really want to sell.

[Mr. Ngala-Abok]

House has been adjourned because there is no quorum. In fact it is plain that the Government learned that that day is not properly attended, and they brought it deliberately to try and make the Members not air their Motions to the satisfaction of the country. I do not see any other reason why some one has advanced to support the case whereby the Private Members' Motion is to be shifted to Friday. As I have already said and I do not want to repeat, myself on Fridays, people come here early in the morning and many people come late, many times adjournment Motions have been raised where people have asked for a Minister to be dismissed and so on and so forth and if we went over the HASSANO for last year! then you would find that on Fridays, Parliament has had to either to be adjourned to Government Motions have either been delayed and that Parliament takes about two hours, one hour or so being spent on the Motion to adjourn the House. In fact I really believe that the Government should not try to undermine the Private Members' Motion. In a way that it is said to be Friday and yet as usual and as normal as we know that the Ministers never attend this Parliament properly. Also on Fridays Members want to go to their constituencies. They have to go to the towns to buy some materials to take home, or collect their cars from a garage and so it is a very inconvenient day for Members and I would not like to say that the intention is to undermine the Private Members' Motions, but arising from the Motion that the House has lost and coming to this particular amendment, it is almost obvious that there is something wrong somewhere. Somebody thinks that Members, the Back-benchers or the ordinary Members who are not Ministers, should just either not speak in this House or should not bring any Motion to this House or should not have any voice whatsoever. Because somebody says that when you see clouds you know that rain is coming. In fact, one of the hon. Members said that and it is what we have seen here.

I find it surprising, Mr. Speaker, that Friday—when Parliament is, I should say, neglected and this is not a question of Ministers alone, but even Members of Parliament never come to attend debates on Fridays here properly—I find that there is no reason why Private Members' Motions should be changed to Friday and I utterly reject this particular amendment. I request the Vice-President to withdraw this Motion and let the position remain as before.

The Speaker (Mr. Slade): Do you want to move an amendment to the Motion? If so, you should put it in writing.

Mr. Ngala-Abok: Could I draft it and then rise up to move it?

The Speaker (Mr. Slade): Then someone else will have to move it.

Mr. Ngala-Abok: Yes, thank you very much, Mr. Speaker.

Mr. Masinde: Mr. Speaker, Sir, this is a very straightforward Motion and as it is brought with some other amendments it has become necessary that we who oppose the alterations of Private Members' Day from Thursday to Friday have to amend that.

I want to say one thing; that since the Government has experienced that possibly they bring most of the Bills in this House and that also we have discussed how Government is trying to trick us, a very controversial Bill is often brought here on a Friday. We are warned that unless we are careful some of the very dangerous Bills will be brought that day because Government has found that we do not sit in this House. For that matter, the Minister could easily walk out with it, and I do not think that what the Vice-President—or say, the Government said—that there is no attendance on Fridays will continue. Because of this, Sir, Members' Day is a very important day and this is very important for the Government as a whole, and is where you can feel the full attendance of Government Front-benchers because you will get every detail, every Member who moves a Motion here has material, possibly which affects his constituency, or province, for that matter, and this has to be on a proper day when a Member has settled in Nairobi. But, not to come on the day on which he is worried about what to do, how to get his transport to go back home. Because of this I do not see any reason why it should be necessary to make this alteration, since we are used to Thursdays and we have been doing very well, but if Government wants to take an opportunity it still can happen because of what you have seen in the past here. Most of the Members, when they are not interested in any Bill, they say that this is an August Bill, do not even sit down to wait, even on a Tuesday or a Wednesday. Even if this were put on a Thursday, that would not make a Member sit here just because he is waiting for a straightforward Bill, to see whether it will go through. Now, because of this, Sir, I beg to oppose that little suggested amendment.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, I just rise to point out one small thing which I have just noticed and that is in Standing Order No.

[The Assistant Minister for Agriculture and Animal Husbandry]

62. It is said in the Sessional Paper that the word "President" should be substituted for the words "Her Majesty" and I was wondering if the Vice-President has noticed that the word "the" has been omitted, and if he has noticed that. I think that it will not be complete without that word there "President" and I am wondering if this amendment could be put there to make it sensible. With these few remarks, Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): I think that we can correct that clerical error without formal amendment. Is there anyone prepared to move Mr. Ngala-Abok's amendment?

Mr. Omweri: I have not written it out yet, Mr. Speaker. I was just going to.

The Speaker (Mr. Slade): Too late.

Hon. Members must adhere to our Standing Orders. Our Standing Orders quite explicitly require any proposed amendment to be put into writing and to be handed to the Speaker beforehand. I am not prepared to and I am sure the House does not want me to, dispense with Standing Orders. We have not got an amendment yet in writing. If no one else wishes to speak in this debate, I shall now call the Mover to reply.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I thank the hon. Members who have spoken on this and I am glad that they have only raised one point and that is Fridays for Thursdays. The reasons given by the Members who have spoken very strongly on this only help to strengthen my own conviction that we should retain Friday for Members' Motions. We wanted this because normally these things have to be tried out until you find a solution which is most welcome to everybody. We now have it on Thursday, at one time it was on a Tuesday, and at one time you might find that it was on a Wednesday, but this time we feel that the Private Members' Motions, if the Members themselves agree to become really responsible and they become keen to see what is passed in this House, if it is on Friday, then there is no reason. I do not think that the reason advanced by the hon. Member for Home Bay would work. By saying that we should give the Members the day to go to the shops to purchase some things, that they should be excused from attending the House in order to purchase their things. This means that I tend to agree with the hon. Member from Lurambi when he says that we may give the Ministers the chance to discuss important Bills, which also need the Members'

opinion, and normally they do not attend. If they knew that they were going to move a very important Motion on Friday, I feel sure that nearly all Members would be here and attend to it. Let me request the House that for the time being let us try Friday for Members' Private Motions and let Thursday be for other business, and let us see how that will be according to the arrangement which is made.

Since the other amendments are consequential, Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): There is one clerical error in the Sessional Paper with reference to the Standing Order 62. The word "the" should be inserted before the word "President".

(Question put and agreed to)

POINT OF ORDER—RULING

AMENDMENTS TO MOTIONS

Mr. Kasir: Although the Motion has gone through Sir, I would like to say something to clarify this, Sir, because it is the habit of some of the Members in this House that they actually oppose some Motions and they sort of put Members in a very difficult position, because we thought that we would all like to make an amendment to this particular section of the Motion and they put us in a very difficult position because we had no time to put it in writing to give to you because we thought he was doing it. This is not the first time that this Member has behaved with a Motion in this manner. I think quite a lot of Motions or some Motions in the past have been treated in this manner. I am just seeking your ruling, Sir, on this point.

The Speaker (Mr. Slade): I do not think hon. Members can complain of what happened on this occasion. Mr. Ngala-Abok obviously had this amendment in mind on the spur of the moment, because he did not come properly prepared beforehand with the amendment in writing. That is his concern. If other hon. Members were equally unprepared and had not thought of this amendment until they heard Mr. Ngala-Abok's speech, well, I think they can blame themselves. If hon. Members had really considered this Motion before it was moved—and there was time for that—and took this amendment seriously, one of them surely could have produced the very few words in writing that were required in order to move the amendment when the matter came on for the debate.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is it in order for a Member to question the integrity of another Member?

[The Vice-President]

The remote Eastern Region is complaining that they have not been considered. I can only tell you that we were not considering it according to the regions. If people were considering the regions it would not be only the North-Eastern Region which would be complaining. We understand that some people must have reasons to complain, but it was not only me who delayed the North-Eastern Region from coming to Parliament, but it was they themselves who actually decided for a long time not to come to Parliament. But, we must all remember that normally when we are considering the Sessional Committee, it is a Committee which should actually contain some of the senior members who hold key positions in the Government. This has been the practice for a long time. I can also tell you that we have made very little change in the former Sessional Committee. We have not made changes, but have more or less retained what we had before.

Now, when we come to the question of the Government being in the majority, I can tell you that we have here both Ministers and Assistant Ministers. When we take the other Members, it is natural that they should be fewer in number. As you know, either the Government should rule the country or you should ask the Government to resign.

The Speaker (Mr. Slade): Mr. Odinga, you must address the Chair.

The Vice-President (Mr. Odinga): Thank you, Mr. Speaker.

You have put the Government in this position of responsibility, and when you give them this responsibility, you must also give them the authority to run the affairs of the country. You cannot ask them to run the Government without allowing them latitude to conduct their affairs. You have to give them the chance, and you will find that in the former Sessional Committee, the Government was in the majority, but here we have given consideration, and if a Member cannot be entrusted to look after the affairs of this House, then this matter should be considered.

This is a most important Motion in the Sessional Committee, and it will have to be given priority, and this is normally how the business is done.

Mr. Speaker, Sir, I would mention that there are many ways in which we can waste a lot of time. I thought this was a simple matter where we should not waste a lot of our energy because we have so many important things. You claim that we do not normally call the House every

now and then, now we have arranged for the House to be called throughout the year, that is for a fortnight, then another fortnight. If there is no business, we can stop there and then and wait for the next sitting. Are we going to get on with the business when we waste a lot of time on such trivial matters like this? In this way, Mr. Speaker, Sir, I requested the Members to suggest some ideas or suggestions for this committee which they did. Some of them are based on other ideas and they feel very strongly about them. I have noted them down and I am sure that next time when we are actually considering the changes in this Sessional Committee, we will consider those suggestions. But for the present moment those suggestions are satisfied that the arrangements as they are now are satisfactory for the time being. It is something which is normally looked into from time to time and as such I request the House to please let this Sessional Committee go on as already composed.

Mr. Speaker, Sir, with these few remarks, I beg the House to move this Motion.

(Question put and agreed to)

DIVISION

Mr. Khalif: Mr. Speaker, Sir, on a point of order, I want to ask for a Division.

The Speaker (Mr. Slade): Order, order. Standing Orders provide that if any hon. Member requires a Division and the Speaker has any doubts as to the outcome of the Division, there shall be a Division. I am not at all sure of the strength of the Ayes and Noes, and we shall therefore have a Division. Ring the Division Bell.

(The Division Bell was rung)

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

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

(The House divided)

(Question negatived by 44 votes to 31)

AYES: Messrs. Achieng-Oneko, Angaine, Anyient, Ayodo, Bala, Gachago, Godana G., Godia, Jamal, Kali, Kariuki J. M., Kibaki, Kubaj, Lorema, Mati, Mboya, Murgor, Mutiso, Mwa-Nyumba, Ngala-Abok, Nyamwaya, Odera-Jowi, Odinga, Oculo-Odongo, Oloitiptip, Onamu, Oculo-Nyalick, Osogo, Otiende, Pinto and Waiyaki.

Tellers for the Ayes: Messrs. Waiyaki and Gichoya.

NOES: Messrs. Agar, Babu, Baraza, Chirchir, Gatuguta, Gichoya, Ihifral, Jahazi, Kamau, Kase, Kerre, Khalif, Khasakhala, Kiamba, Kibuga, Kioko, Kiprotich, Komora, Maisori-Tumbo, Makokha, Malu, Masinde, Mbat, Mbogoh, Mukoma, Muliro, Muruli, Mwalwa, Mwangandi, Mwatama, Ndile, Nyaga, Obok, Odera-Sar, Oduya, Okwanyo, Omar, Omweri, Rurumban, Seroney, Shikuku, Sol, Theuri and Bji.

Tellers for the Noes: Messrs. Onamu and Kerich.

MOTION

SESSIONAL PAPER NO. 8 OF 1965:

AMENDMENTS TO STANDING ORDERS

The Vice-President (Mr. Odinga): Mr. Deputy Speaker, Sir, I beg to move:

THAT this House makes the amendments to the Standing Orders of the House of Representatives set out in Sessional Paper No. 8 of 1965.

Mr. Deputy Speaker, Sir, most of these amendments are merely consequential amendments which follow the achievement of the Republican Status of Kenya. You will find that there are certain words which do not actually conform with the present things, and we have actually either to delete or where necessary add. If you look at Standing Order No. 2, there will be an amendment of the definition of Ministers to read as follows. This is where we have a slightly larger change. Where we put Minister, it includes the President, the Vice-President and the Ministers, the Attorney-General, Assistant Ministers and any person who holds any such office.

The amendments which follow are only that we change "the Governor". Where we had Governor, now the Governor is not necessary so we substitute the President. You will find also in Standing Order No. 6 (22) that amendments follow similarly, in the same order.

Now when you come to Standing Order 23, it is where we have another change from the past, because we normally hold the Private Members' Motion on Thursday afternoon and this time it is considered that the Private Members' Motions should be on Friday morning. The idea behind this is that normally on Friday morning we get so many Members running away without attending the meeting, and as a result many of our meetings have to be adjourned because of lack

of quorum. We know that if we make it Members' Day and they know that it is their business, then they will have to stay in to attend to their business on that day.

Now Standing Order 62 is also just to substitute "President" for "Her Majesty", and I doubt as to whether there is any big change in the following one, because they are more or less the ones which are consequential and as such I should not go reading them one by one. You will find that most of them are only those ones which are necessary from, let's say like the "Royal Family", "Governor", to change to the appropriate words in our Republic. I do not think that there are many other amendments which need my comment, as I think that hon. Members will see that most of them are those which do not need any explanation. They are self-explanatory. They are only substitution of the appropriate words.

Now, Mr. Deputy Speaker, Sir, I should like to beg to move.

The Minister for Health and Housing (Mr. Otiende) seconded.

(Question proposed)

Mr. Ngata-Abok: Mr. Speaker, Sir, I wish to support the amendments to the extent that the amendment to Standing Order 23 which is to substitute the word "Friday" for "Thursday" should be rejected. I would like to reject that one because Members have complained and the Motion which the House has just lost, has been lost because Members complained that they noticed that the 'Back-benchers' views or the Members whose Motions are called Private Members' Motions will be debated on Friday, will not be given enough attention and it is these Motions that we have talked about just a few minutes ago, that these Motions should come to this House and as a result of that the Motion has been lost. We would not like to see a similar situation where the Government wants the Private Members' Day to be Friday.

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

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

In fact there has been, from time to time, absence of Ministers in this House and many times this House has been adjourned because of lack of a quorum and we would like to see a situation where a Member wants to express himself, wants to express the views of his electors and he, has an important Motion, to speak to the House and to speak to the country and yet you find that the

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[Mr. Ngala] Motion back to the Sessional Committee in order to obtain a wider opinion of the Back-benchers.

The Speaker (Mr. Slade): Mr. Anyieni—

Mr. Khalif Mr. Speaker, on a point of order, with due respect, is it in order for Mr. Speaker to overlook Members from a particular area who have been deliberately excluded from this Committee and not give them an opportunity to speak?

The Speaker (Mr. Slade): It is in order for the Speaker to decide who should speak next.

Mr. Anyieni: Mr. Speaker, although my name appears on this list of the proposed names for the Sessional Committee I should like to say that nobody should try to identify himself with a group just because he belongs to that group. I think, for example, it is not all right for me to stand up and say that this thing is very fair just because my name appears on this list.

What is important, Sir, is that several times we have advised Government that if Government recognizes the supremacy of this Parliament, then Government, in order not to waste time of this House and thereby the taxpayers' money, should be able to get in touch with the Parliamentary Group outside this House so that when such a thing is proposed divergent views from the Members of Parliament are sought before such a thing is put before us. If this is done, Sir, I do not think we would be wasting time by doing such things. I am saying this generally because this is not the first time such a thing has happened, that the Members of Parliament may be unable to accept Motions.

I would also like to warn Government that Government must not take it that because prior to this occasion, when most of the Members were ignorant of the procedure of this Parliament, they passed things which were detrimental to this country. To date, we have been in Parliament for the last one-and-a-half years and we will not continue to support things that are not completely sure of, which we do not believe are right for the country.

Therefore, I would very strongly like to support the hon. Members who have already spoken.

However, I would like to make a small comment on the absence of any Members from the North-Eastern Region on this Committee. Mr. Speaker, Government, or whoever is concerned, should not think that there is no Member among them fit to be a Minister, Assistant Minister or a representative on this Sessional Committee. Government should be fair. My proposal is that

Government should take into account everybody from this Parliament, there should be a proportionate election. We have about 40 Assistant Ministers and Ministers and the composition of the House is about 130 Members. So I think there should be proportionate representation to include Ministers and Back-benchers. Assistant Ministers are also Ministers in a way and they are not in a different category.

The other point is this. I do not want to impute any improper motive but with substantiation I can say that there are a lot of Motions which have been introduced in this House, or of which Members have given notice. For example, Sir, I gave notice of a Motion in connexion with the restriction of the buying of land. Since I gave notice of this Motion about a year ago nothing has been done about it. The Sessional Committee has not seen fit to bring this Motion to the House. While they are waiting to bring the Motion forward the capitalists who are making fortunes out of becoming Members of Parliament are continuing to buy more and more land so that by the time my Motion comes to Parliament there will be no further land to purchase. So, I would like to say that our Vice-President who has been given the responsibility of looking after the Parliament—I would like to advise him here—should not also make the mistakes many people who were given mandate made. In dealing with the Parliament the Vice-President should try as much as possible to consult as many divergent views of the Members of Parliament as he can and in so doing he will be able to run Parliament in accordance with the wishes of the majority of the people in this country.

Mr. Speaker, before I comment on what Mr. Ngala has said I would like to say that I understand that there are some Members who were nominated to the Sessional Committee and during the course of the past one-and-a-half years many of them have never attended even one meeting. Some of them have never attended more than three or four meetings. If this is true then such Members should be dealt with. For this reason, I would like the Vice-President to incorporate in his Motion that if a Member ceases to attend the meetings on three or four consecutive occasions then that Member should be withdrawn from the Committee and another Member should be proposed to take his place. There is no point nominating Members who do not attend the meetings, who do not carry the burden of representing the views which they were elected to represent.

Mr. Speaker, the reason why the Members are saying that there should be fair distribution is because different Members from different areas

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[Mr. Anyieni] bring Motions which affect particular areas. If you have a majority of the Members of the Sessional Committee from one area then, for example, Motions which come from the Members representing the North-Eastern Region will be very important to a Member from Nairobi. It is not important to him.

The Speaker (Mr. Slade): You must keep to the subject of the Motion, Mr. Anyieni.

Mr. Anyieni: Mr. Speaker, Sir, I will abide by your ruling.

Now, Mr. Speaker, Sir, there is another thing which was mentioned by one Member, that probably Ngala should not be in this Committee. I do not agree with this, because if Ngala is able to attend this meeting—

The Speaker (Mr. Slade): You must refer to him as hon. Member.

Mr. Anyieni: I am sorry, Mr. Speaker. If the hon. Mr. Ngala, Chairman of the Maize Marketing Board, Chairman of the Coast Regional Assembly, does not have the time to come to this, what I have already said will take care of him, because after a few times, he will be removed and somebody else will be brought to represent his place on that Sessional Committee.

The other thing I would like to mention is the question of birds of the same feather. I do not see why the hon. Member should identify every other Member to belong to the same feather except himself. It is known in this House, Mr. Speaker, that people like Kaggia, if I may not quote my name, people like Ndile—

The Speaker (Mr. Slade): Honourable, please.

Mr. Anyieni: I am sorry, Mr. Speaker, we have adjourned for so long, that I have forgotten.

Mr. Speaker: I would like to say that the hon. Member for Kilifi was not correct in trying to say that every other person should be used by the Minister, except himself. I think this is wrong, and if that is not what the hon. Member meant, and then the hon. Member should have said that we have different groups, we have Ministers separate, and we have Back-benchers. He should be able to tell us what kind of group he belongs to.

Mr. Ngala: On a point of information, Mr. Speaker, I think the hon. Member misunderstood. The old Sessional Committee consisted mainly of two groups. The first was the Kanu group and the second group was of ordinary Members, people who are different from the Ministers, but also a different group to Members who have belonged to the party in power.

Mr. Anyieni: Mr. Speaker, these were hon. Members who refused. I did not understand what the hon. Member meant by birds of a feather. When he speaks of the same opinion, I think in this House, there is a time when somebody will say that the hon. Ngala and the hon. Anyieni have been birds of the same feather. There was a time when we were able to say this, so I do not understand what the hon. Member says, and I wish to say very strongly that if the hon. Member cannot identify himself with any of the hon. Members, even hon. Shikuku, hon. Pandya, or hon. ole Tipsi, then I must say that the hon. Member for Kilifi is very wrong.

(Question put and agreed to)

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I have the pleasure to listen to so many constructive suggestions, that some of them seem to be out of parliamentary consideration, because I say that what I should clear from the minds of the House is that when we are considering these appointments there is no question of considering an individual as an individual, or considering an individual as relatives of any power. The Sessional Committee is the chief committee which arranges the order of business for the House, and as such, those who are appointed there are appointed because of their integrity as a Member of this House, and they are expected to be hon. Members, and they are expected to discharge their duties for national causes, but not for their local confined interests. Therefore, when you accuse these Members who are here that they are inadequate, some of you are just accusing yourselves who are elected here, and who are here in this Committee. You are only disqualifying yourselves that you cannot serve the national cause.

Let me put it to you.

The Speaker (Mr. Slade): Please address the Chair.

The Vice-President (Mr. Odinga): An hon. Member of this House, the Member for Bunyori, who accused the actions which were done in the past Sessional Committee, was also on that Committee, which means he is accusing himself. He knew the weaknesses which he had and he mentioned them, but he should have mentioned nothing at all.

Mr. Speaker, Sir, I want to tell the House that it seems as if many Members speak with the intention of opposing the Government, and make things difficult for the Government which we have. We must only be able to say what we feel it right and proper to set up this new Committee. When the hon. Members mentioned that probably

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[Mr. Gheboya]

Committee, as to whether these people should be there or should not be there, as to whether Mr. X or Mr. Y should or should not be there.

Mr. Speaker, Sir, I use the privilege of this House in requesting the Vice-President of our Republic to reconsider the whole thing. We have a place like the North-Eastern Province or North-Eastern Region; it has no representation here and these people truly have got problems and these problems have compelled their own people to send them on in that particular area. Mr. Speaker, Sir, these people have been neglected in the same manner as they were neglected during the distribution of portfolios.

Of course, the way the Cabinet is formed is at the discretion of the President and we do not actually quarrel with it, but we do express the feeling that when it is wrongly set up, we know it is wrongly set up, Sir.

Now I should say that the five Ministers who have been proposed should be there. Now these Ministers and Assistant Ministers constitute over 54 per cent of the official side; by our calculation. It means: where are we then? How can we get our views across to this House? I can remember, Sir, that at one time I wanted to propose a very vital Motion which is valid up to this moment. But that Motion was just dragged, dragged, dragged on; and I understand that it is apparently coming up tomorrow. But because the Ministers had a strong hand in the Sessional Committee, instead of this Motion taking effect before the country achieved a republican status, it is now coming in when we have already set up machinery for the Republic, and perhaps I will request the amendment of that Motion so that it conforms with the changed circumstances.

Now why should we labour so much to get our own things across? I assure, Sir, very correctly, that a Member of the National Assembly, in the eyes of the public, is equal to a Minister since we are all constituency Members; although a Minister enjoys certain privileges in terms of an income, an office, certain facilities. Of course, a Minister should get something to help him look like a Minister. However—

The Speaker (Mr. Slade): I think you are getting away from the point now, aren't you?

Mr. Gheboya: Mr. Speaker, Sir, what I want to say is this. We need very strong representation, the ordinary Back Bench Members, on the Committee, and we do not want to have the Ministerial group simply in the majority. Ministers and Assistant Ministers should be in the minority.

The other thing I would suggest to the Vice-President through you, Sir, is this. So long as we have Parliamentary Committees, why on earth should a Junior Minister be on the Sessional Committee to represent his Ministry when the Minister is not on it? When I look through this I see that in the place where there is no Minister for a particular Ministry, there is a Junior Minister or an Assistant Minister. When I look at it, I do not see the hon. Bruce McKenzie, but I see his deputy or the duplicate Minister, that is the hon. J. C. N. Oogoo. It is understood, Sir, that when a Minister is not present, he says to another Minister—and it has been said here, Sir—"Go and represent my interests." So those Ministers whose places have not been filled either by their Junior Ministers or by themselves, have been represented by their colleagues, their fellow-Ministers.

In this respect, Sir, I would say very briefly that the Vice-President should accept the opinion of this House and amend the whole thing to suit the national spirit of *Harambee*.

Mr. Kamau: Mr. Speaker, Sir, thank you very much for allowing me to say a few words on this very important Motion. Sir, I do not want to allege that there is any motive behind this arrangement for selecting the Sessional Committee, but I want to draw the attention of the House to the fact that some people, like myself, have been in the House for over a year now, I myself have brought very interesting and important Motions here for which all my hon. friends here have cheered when I introduced them. But the Sessional Committee of the last Government, seemed to include some people who were not in favour of my Motion, probably they were opposed to the people who elected us, held all those Motions back.

Now, Mr. Speaker, Sir, the composition of this Committee, for the information of the House, is very surprising to me, because, for one thing, as I support the hon. Members who have spoken previously, I can say without prejudice that it has to a certain extent minimized the power and the ability of the Members of this House. What should have been done is that the party in power should realize that Government cannot rule without the power of the party and the Parliamentary Group should be the only body to elect and direct the people who should be chosen to represent the public of this country. If we rely only on the Ministers to appoint the Committee, the time will come, Mr. Speaker, Sir, automatically, when one day an hon. Member who is elected by his own people will be told by a Minister that

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[Mr. Kamau]
he can sit on the Committee. That will be very ridiculous.

So, I would suggest that the task of appointing this Sessional Committee should be left entirely to the Parliamentary Group who will give directions and advice as to who should be placed to represent the party. Sir, our present Government is very human. When you see a crowd you must suspect that an outrage is about to take place.

We will not stand for anyone who tries to minimize the powers and dignity of the Parliament. We must know that any person who is nominated has a chance because he has been elected by his own people. I cannot support the idea that members of the Sessional Committee should be elected by a certain group.

Therefore, without labouring this point very much, Mr. Speaker, Sir, I would totally oppose this Motion and suggest that it should be brought to the Parliamentary Group who will decide who will be elected to represent them in the Sessional Committee.

Sir, I oppose the Motion.

Mr. Ngala: Mr. Speaker, Sir, one hon. Member has decided that it is time I should be got rid of and I would like in turn to suggest that some other people should be got rid of.

First, I think there is quite a lot of sense in what some hon. Members have said with regard to the composition of the Sessional Committee. I take it that the Vice-President, as Chairman, is the right person to chair the Sessional Committee but I doubt, Sir, whether there has been a real consideration on the extra composition of the Committee. I think it is very important that the geographical representation of the whole country should have been taken into account, particularly as a one-party system exists. We need views from different parts of this country to be reflected in the Sessional Committee representation and I hope that such views will be passed on to this House. As it is, it has already been indicated that one area is concentrated upon—one or two—and the other areas are completely neglected. I think that the Vice-President should have taken into account the need for having geographical representations in the composition of the Committee. This is seriously lacking and I think some aspects of importance to the nation from different areas, will probably not be brought forward to the Sessional Committee.

Now, a second point which I think should have been considered is the question of opinion. Now, if I look through the composition, there are two opinions to be represented in the Committee. The

Government opinion is in the form of a huge number of Ministers, and also Members who have the same opinion. Now, I think it is wrong to bring the selection of the Sessional Committee with people of similar opinions. The Sessional Committee should have varied opinions, and those who are included in it can express different opinions. I think, having realized that some Members are concerned about my comment, I think I should mention what I mean. I mean that six or seven members of the Cabinet have nothing to say but the same language according to the Government policy. Therefore, it does not matter how many you have on the Committee, they express the same opinion, and it is one similar opinion, and I do not think it will differ from their own Government policy. Therefore, the Vice-President is just sufficient to represent the whole group of Ministers.

Mr. Speaker, the second opinion I made is that here we have Members who have—I do not think I should mention the names of the particular Members, but anybody who knows the House can see that some names mentioned here are birds of the same feather. As birds of the same feather, they should not be put together in the same Committee in such big numbers. Mr. Speaker, Sir, therefore the opinion has not been considered carefully in my view.

The other point, Sir, is that the party influence should be represented in the Committee. So far the countryside thinks that the Government, the Cabinet wants to hold this country with the civil servants brushing aside the Parliament. This is the feeling of the country. The Ministers plan to assist the Government. This is a feeling which has much to do with the Sessional Committee. In the Sessional Committee here, the percentage of the Government people, the Cabinet people who are very much governed by the collective responsibility, is very difficult to define in the present Cabinet. I think there should be a very realistic representation of Members of Parliament, of the Back-benchers, so that in the Sessional Committee they can put forward their views, to be able to criticize the Government, and put their points of view strongly in the Sessional Committee which governs what should come to this House. I think, instead of the Ministers putting themselves in great numbers on the Sessional Committee to block the views of the Back-benchers, I think they should reduce their number drastically.

Mr. Speaker, Sir, having pointed out these three principles which I think the Vice-President has understood very clearly, I am sure the Vice-President will see the sense of referring this

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[Mr. Khasakhalo]

We have all these Ministers and tell the House why the Sessional Committee is not well represented.

Mr. Oduya: Mr. Speaker, Sir, I also want to say a word or two on this Sessional Committee. The group here as a whole would welcome it, but I am totally opposed to it because, Mr. Speaker, when one goes through this list one will find that the Assistant Ministers, together with the Senior Ministers, are thirteen out of twenty-two. That means that when the time comes for selecting which Motions should come to this House the Ministers have a right to dictate and see that the Assistant Ministers do not argue with a Senator. Once they lodge an argument with a Senator, the Senior Ministers will rush to see the man who appointed them—that is the President—and the Assistant Minister will get the sack just like that. They will not at any time be of any use to the Members of this House and to the country as a whole. Now, what the Government forgot in bringing up these names, is the interest of the nation, they only took the interests of the Ministers as individuals to heart; not the interests of the country. I can remember that since we came to this House there were some very important Motion brought to the House. For example, there was a Motion brought to the Government of Kenya calling on the Government to appoint a committee to check on education; that was not brought about because the Ministers were dominating the committee. Another one for free medical service was also refused; and many others.

Now, if we do not have the Members who really have that opinion and desire to serve the nation of Kenya on this Committee, how will we therefore bring such Motions into this House? The country has said that they are expecting us to debate certain important Motions in this House which have been moved by the Members and these Motions have never been brought about because the Ministers dominate the Sessional Committee.

So, Mr. Speaker, I thought that the Sessional Committee should be for the benefit of the country rather than just confining it to only those individuals who want the Members of this House to dance the tune of the Cabinet and not for the Cabinet to dance the tune of this House. On this one, Mr. Speaker, I for one, feel that I share with my colleagues that we reject this list and another list be prepared and, if not so, if I may suggest a few names should be deleted, because here we have so many Ministers and we do not know what interests they represent. Why not let

Members who are here, and who have and want to do a duty for their country, why not have them in the Sessional Committee? Why is it that we see here thirteen Ministers, and only a few Members, who will be dominated and some of them will be used as rubber-stamps for the Government Ministers? We want to see a proper committee which represents the interests, not of an individual, but of the entire country. We are fed up with dancing the tune of the Cabinet; it is time we made the Cabinet dance the tune of the National Assembly. This is the way I see it, but I am not going to share with anybody who says that we are going to pass this and I have said that I am not going to support, and I am prepared to refuse to support anything because I know that once we do this we will be completely doomed.

These are certain recommendations which have been made for the future meetings of this National Assembly, and since the salvation of the future meetings lie with this Committee, we are not just going to allow it to go like that. We would like to see that the Members are given time to see who is there to represent their interests. We cannot all be members of the Sessional Committee, but we would like to see a number of our Members there, with the feeling that they are taking the interests of the country to heart, not to go and say "Oh! If we bring this Motion here the President or the Government will say that it is not good for the Government." Who is the Government, is it not the people? We are not here to safeguard *Nyirogi* because he is a Minister or to safeguard so-and-so. We are making it very, very clear, Mr. Speaker, that we will not and we shall never surrender our responsibilities, which are fully licensed by the public when we were brought to this House. We are fully licensed and we must use that licence, which expires in 1968, properly.

Mr. Speaker, I do not want to prolong, but I think that the Government has heard and all I want to say is that I think the Vice-President should withdraw the Motion and I am trying to say that we do not want the Government to steamroll the powers of the Members in general, or the needs of the country. I know that the Vice-President will say, in his reply on behalf of the Government, that the Ministers are also Elected Members. That fact we know—that they are all Elected Members. But since they themselves have said that, we should be given, as representatives of the public, our right to sit on this Committee and we should have only about five Ministers who will represent the Government side, but the rest of the members there should be members who do not hold any office in this Government, so that when we select the

85 Motion—

[Mr. Oduya]

right Motions we will know that Kenya is safe. But if we leave this in a few hands and the Ministers believe that this Government is their Government and not the Government of the people because this is in the record publicly and everywhere. We are the Government; this means that the Government is not for the people, we feel that this Committee is filled only by people who like to see that Members here become..... (Inaudible) of the Ministers. People will reject outrightly and I propose that the number we want for Ministers to represent the Cabinet should be five. What I want to emphasize is one fact: that the Vice-President should know that although the President, the Vice-President and the Cabinet are all Elected Members, but since they are the Government we feel that they should not dominate the Sessional Committee of this House. We should be given the right and I am sure that when it comes to voting we do not want to shame our Government any longer. We only want to withdraw the paper and draft a fresh one.

The Speaker (Mr. Slade): I think you have made your point, Mr. Oduya.

Mr. Mwamzandi: It has been a custom, Mr. Speaker, for our Cabinet for a long time to neglect the business of this House. Motions are standing still and questions are not dealt with, yet we do not see the House meeting. This is mainly because the Cabinet is interested only in their Ministerial work, neglecting our own business.

The Speaker (Mr. Slade): You cannot blame the Sessional Committee for that.

Mr. Mwamzandi: Then, Mr. Speaker, this was merely because the Ministers used to advise the Cabinet not to have several meetings. Now they have found a way in which to overrule this House completely and that is by selecting these thirteen Ministers, whereas we have a few representatives as Back-benchers who would support our Motions and our questions should be put in the Order Papers. I feel, Mr. Speaker, that the number of Ministers should be as small as possible. It is not even necessary to have five, as the hon. Oduya has suggested, only the Vice-President as Chairman and only two Ministers. We should not like to see other Members who already are chairmen of several bodies, such as Mr. Ngala, who is very busy. He should not be in this Sessional Committee. Someone else should be in the Sessional Committee, Mr. Speaker, instead. We would like to have the list which is

pending brought before this House for discussion, not only with regard to ministerial work but with regard to our own business.

Mr. Speaker, we have found that the Ministers do not like to have this House meeting frequently or clearing up the business frequently simply because they are busy in the districts, busy in the provinces and busy outside Kenya, as a result of which, if we put all these Ministers in the Sessional Committee, we shall find this House not meeting for the next six months.

The Speaker (Mr. Slade): Order, order! I have pointed out to you once already that the Sessional Committee does not control the dates of sitting of the House. That is quite irrelevant.

Mr. Mwamzandi: In which case, Mr. Speaker, I oppose some of the names which have been put forward and propose that a new Sessional Committee be formed.

Mr. Gichoya: Mr. Speaker, Sir, I actually stand to request very humbly the Vice-President to reconsider the reconstitution of the Sessional Committee.

It is a privilege, and I thank the Government also for accepting the practicability of the one-party system because in previous years we never decided or never debated in this House who should be members of the Sessional Committee.

Now, Sir, I see from this paper that the whole thing, if one speaks his mind properly, should be really condemned and called a parochial set-up, parochial in the sense of distribution. Mr. Speaker, if we look at the list we see that, first of all, from Nairobi we have the Minister for External Affairs, the Minister for Economic Planning and Development, the Minister for Internal Security and Defence, the hon. F. R. S. De Souza, the Deputy Speaker, Mr. J. D. Kari and Mr. Mwai Kibaki. Now all these people come from Nairobi. When we turn to Nyanza, we have the Vice-President, then we have the hon. Z. M. Anyieni, then we proceed further and we get the hon. T. Okelo-Odongo, that is the end of Nyanza. Then in the Western Region they have got two, and also there is another big Minister of the Government, the Minister for Local Government, coming from Nyanza. Now if you look at the whole set-up, do you really come to the conclusion that the whole arrangement is made to work in conformity with the distribution of responsibility in this country, or with how the Cabinet was formed? Now we form a Cabinet today which means the Sessional Committee, and today we have been given this latitude to decide as to what should be the strength of the Sessional

[The Chairman] Mr. Gichuru, would you like to answer that because I would like to put it to the vote straight away?

The Minister for Finance (Mr. Gichuru): I would like to make one comment and that is that some of this money, particularly in item Vote No. 18, concerns the Ministry of Local Government and much of this money has to be voted to the local governments. The longer we delay, simply means that some of the local government authorities will have to close down because they are already bankrupt.

The Chairman (Dr. De Souza): I will put the question. We do not need to have a debate on this.

(Question put and agreed to)

The Chairman (Dr. De Souza): Do you want to move the second Motion, Mr. Gichuru? There is a second Motion.

SUPPLEMENTARY ESTIMATE NO. 1 OF 1964/65—
DEVELOPMENT

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move the following Motion:

THAT a sum not exceeding £1,289,817 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Development Supplementary Estimate No. 1 of 1964/65.

(Question proposed)

Mr. Odway: Mr. Chairman, I feel that a number of Members will welcome the Motion, but I am afraid, Mr. Chairman, that I cannot at the moment give the Minister the O.K. to have this £1,000,000 and more which he is demanding, probably for salaries and other expenses, which he wants for development. But as we know that he has some other things for the Members, we would like to know about the money that the Ministry would like to spend, and therefore since the Members have not had time to go through this Supplementary Estimate, I suggest that the Motion be put off until tomorrow when we can carefully go through and ask the Minister to come and explain everything. If he then convinces the Members, we will have to give him the O.K. But right now, today, we cannot debate the Motion.

The Chairman (Dr. De Souza): Are you proposing that the committee report progress and beg leave to sit another day?

Mr. Gichuru: I would like to add just one additional comment, Sir. I have just noted from the speeches so far that the problem is that the National Assembly Vote is not included here. If the Government decides on an increase, that Vote is capable of bearing that increase and therefore it will not be necessary to bring in that Vote.

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

SUPPLEMENTARY ESTIMATE NO. 3 OF 1964/65—
RECURRENT EXPENDITURE

SUPPLEMENTARY ESTIMATE NO. 1 OF 1964/65—
DEVELOPMENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report progress in both of the Motions of Order No. 4—

The Speaker (Mr. Slade): I think we had better wait until we have the Mace in its right place.

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report the considerations in both of the Motions of Order No. 4, and report progress and beg leave to sit again on another day.

The Speaker (Mr. Slade): That will be tomorrow.

Dr. De Souza: Yes.

BILLS

The Speaker (Mr. Slade): We cannot deal with Order No. 5, 6 or 7 until the Committee of Supply has come to its conclusion, and so we will go onto Order No. 8.

MOTION

AMENDMENTS TO THE EAST AFRICAN
INDUSTRIAL LICENSING ACT

The Speaker (Mr. Slade): Is Dr. Kiano here?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, can we call him, because I think he was under the impression that the Committee of Supply would take some time.

The Speaker (Mr. Slade): Order, order. If the Minister is not here, and there is no hon. Member able to speak on his behalf we will put it to the end of the order paper, which I have a right to do, and we will go on with Order Number 9.

MOTION

APPOINTMENTS TO THE SESSIONAL COMMITTEE

The Vice-President (Mr. Odginga): Mr. Speaker, Sir, I beg to move:

THAT this House nominates the following Members to be Members of the Seasonal Committee to replace those nominated to the Committee on the 27th February 1964.

Mr. Speaker, Sir, this was necessitated because of two reasons. Firstly, just as we entered into the Republic there was a reshuffle in the Government and that actually placed even some Members in a position where we would have to consider their continuation with the Seasonal Committee.

At the same time the second reason was because during the last year the country decided to have only one party without opposition, and the last Seasonal Committee made consideration of the opposition, but as we are now one party we thought that the composition should now follow more closely our present form and these are the two reasons which made it necessary to reconstitute the Seasonal Committee.

So Mr. Speaker, Sir, I beg leave of the House that the present membership of the Seasonal Committee be comprised in the following manner:

The Vice-President (Chairman).

The Minister for External Affairs.

The Minister for Economic Planning and Development.

The Minister for Internal Security and Defence.

The Minister for Local Government.

The Minister for Information, Broadcasting and Tourism.

The Minister for Home Affairs.

The Minister for Co-operatives and Marketing.

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

The hon. Z. M. Anyieni.

The hon. Br. Kagigia.

The hon. J. D. Kali.

The hon. M. Kibaki.

The hon. Muliro.

The hon. J. K. Ndiile.

The hon. R. G. Ngala.

The hon. J. J. M. Nyagah.

The hon. T. Okelo-Odongo.

The hon. J. C. N. Osogo.

The hon. A. J. Pandya.

The hon. J. M. Shikuku.

The hon. J. K. ole Tipsi.

Therefore Mr. Speaker, Sir, this speaks for itself. I therefore beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. Khusakhalu: Mr. Speaker, Sir, while we agree that we have some changes in the previous set-up of this House, the Minister has not told the House the reasons why we should have nine Ministers in the Seasonal Committee and four Assistant Ministers. Whether it is for the Government to dictate in the Seasonal Committee, by itself, by using its hon. Members, or whether this is to make the views of ordinary Members, who are called Back-benchers not represented, I would like to hear in the Minister's reply when he gives it.

Secondly, Mr. Speaker, Sir, I should have thought a Seasonal Committee is a Committee representing the interests of this House throughout the country and looking at this list, Mr. Speaker, there is no single representative from the North-Eastern Province. Could we be told the reason why it has been excluded.

Another point Mr. Speaker, Sir, is that I would like to know whether the Minister could tell us the reasons why he has not found it fit to distribute twenty-two Members of the Seasonal Committee through the seven provinces so that a matter affecting a particular area, when it comes to the Seasonal Committee, a Member within the Seasonal Committee could present the case of that particular area strongly, so that the Motion should be moved quickly.

I have found in the past that there have been some Motions moved by some Members, I will not quote their names—that have never been on the Order Paper and they have been in the House for a very long time. The reason for this is that the Members of the Seasonal Committee have ignored Motions of some Members from various places, and tend to bring Motions which interest them as Members of the Seasonal Committee and no other Members.

With these few remarks, I would like to ask the Vice-President to tell the House clearly why

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Mr. Gachago: Mr. Speaker, Sir, it depends on what the hon. Member understands by "dry weather standards". As all hon. Members know, the settlement operation is limited to a temporary period of time. The funds allocated for this operation are also limited, and the standard of the roads we are able to construct with those funds are still also limited.

Mr. Soli: Mr. Speaker, Sir, can the Assistant Minister tell me how, when it is dry, a lorry can pass a river where there is no bridge?

Mr. Gachago: Such bridges have been constructed and have become derelict or defective. The hon. Member can rest assured that even our settlement officers cannot do the work yet and they will not let the bridges lie unrepaiied, because they will not be able also to operate their own functions.

Question No. 822

CONTROL OF FISHING IN KERICHO DISTRICT

Mr. Soli asked the Minister for Natural Resources and Wildlife how and to what extent fishing in the rivers of Kericho District was controlled.

The Minister for Natural Resources and Wildlife (Mr. Ayodo): Most of the rivers in Kericho District have been stocked with trout and are referred to as trout rivers.

There are three types of trout rivers, classified as public, association or private rivers. On public rivers which have been declared open for trout fishing, control is enforced by Fish Scouts employed by the Government. At present eight of these scouts are stationed at Kericho.

Association rivers are stocked by associations or "angling clubs" for the exclusive use of their members. The association employs Fish Scouts to ensure that fishing on the rivers is controlled.

Private rivers are those rivers or parts of rivers running through private land which are stocked and controlled by the landowner if he so desires.

Under the law, anyone wishing to fish for trout, whether on public, association or private water, must be in possession of a Government trout licence.

Question No. 824

COMPENSATION FOR STOLEN CATTLE

Mr. Omweri asked the Minister if, in the event of tracks of stolen cattle being traced to a place where the police and the owners find

that they are lost in the tracks of other animals, the Minister would say what legal action could enable the owners to claim compensation.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, before I answer this question, I would like to seek your guidance. I understand from my hon. and learned friends who are Members of this House, that if I were to supply the information which is sought by this question, I would be encroaching on the functions of the legal profession.

The Speaker (Mr. Slade): Yes, I think perhaps you are probably right that this question is out of order. There is a Standing Order which provides that a question should not be asked which seeks an opinion, whether it is a legal opinion or otherwise. It is really the substance of this question to request the Attorney-General's opinion. I cannot prevent the hon. Member seeking that opinion outside the House. If he prefers it, he can seek it from the Attorney-General, but he cannot do it in this House. I think we made a mistake in allowing this question.

Mr. Omweri: On a point of order, Mr. Speaker, since this question was drafted before the reshuffle of the Cabinet and it was not strictly directed to the Attorney-General—it was a question which I addressed to the Ministry of Justice and Constitutional Affairs—and probably the redrafting has been directed to the Attorney-General, I do not know whether this is entirely my mistake. I was not told that this should be redrafted in another way.

The Speaker (Mr. Slade): It is not your mistake anyway, Mr. Omweri, but the fact that it was addressed to a different Minister does not make a difference to what I have said. It is in effect seeking an expression of opinion, and it is out of order on that account. The fault is ours rather than yours in having allowed this question to be put.

Question No. 827

CONFISCATION OF EXPORT LICENCES

Mr. Balala asked the Minister for Commerce and Industry if, in view of the fact that export of goods from Kenya might be an indirect means by smuggling money out from Kenya, the Minister would consider confiscating all export licences held by companies or individuals and make the Government the sole body responsible for exports.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply,

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[The Minister for Commerce and Industry]

As the hon. Member knows, only certain goods require an export licence for export outside Kenya. The "list" of goods mainly relates to essential commodities and certain strategic goods and industrial machinery and spares. These items are placed on the list of goods subject to an export licence in order to be able to control the outflow of these goods as and when necessary. The contention of the hon. Member that the exportation of goods could be an indirect or illegal means of transferring money outside Kenya does not apply in this present context as no overall exchange control has been imposed.

Mr. Gichoya: Mr. Speaker, Sir, arising from the Minister's reply, could he tell us the reasons why there are no active control measures?

Dr. Kiatio: Mr. Speaker, Sir, the question said that we should not issue licences for export in order to control the outflow of money and I stated that the question of denying the licences to stop the outflow of money does not arise because that is a question of exchange control and we do not have an overall exchange control method.

Mr. Gichoya: Mr. Speaker, the problem is what prevents us having that overall control. Is it the East African Common Services or is it the Kenya Government who have the measures for control?

Dr. Kiatio: Mr. Speaker, Sir, I would like to have your ruling whether the question requires me to explain why we do not have an overall exchange control?

The Speaker (Mr. Slade): This is getting rather far from the point which is the export of goods. I think we had better leave it now and continue with the next business.

NOTICE OF MOTION FOR THE ADJOURNMENT

EVICTION OF SQUATTERS IN LAIKIPIA.

The Speaker (Mr. Slade): I wish to inform hon. Members that I have received notice from Mr. G. G. Kariuki of his desire to raise on an adjournment the matter of evictions from farms in Laikipia. I have not yet been able to make contact with the appropriate Ministry to ensure that the time suits them, but provisionally I will allow tomorrow evening, the 18th February at the close of business for this matter to be raised provided we can get in touch with the appropriate Ministry in time.

COMMITTEE OF SUPPLY

(Order for Committee Read)

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

IN COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

SUPPLEMENTARY ESTIMATE NO. 3 OF 1964/65—
RECURRENT EXPENDITURE

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move:

THAT a sum not exceeding £4,900,002 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 of 1964/65 (Recurrent).

I do not have anything further to add.

The Chairman (Dr. De Souza): I will propose the question—

Mr. Anyieni: On a point of order, Mr. Chairman, we cannot hear what the Minister is saying because there is so much commotion.

(Question proposed)

Mr. Masinde: Mr. Chairman, Sir, I want to move the closure of the adjournment of this debate, taking into consideration how the money is going to be spent and also taking note of what we hoped would have been incorporated in this Supplementary Estimate. I am convinced if we pass this Supplementary Estimate—, I myself, am one of the Members of Parliament who had hoped that in this Supplementary Estimate there would be some changes, but the changes we have found here are only to give some funds to new Ministries, some of which do not even need to exist but money has now been voted for such Ministries, such as looking after Prisons only. This is a question that could be looked after by one Assistant Minister, but not a full Ministry. There are others but I do not want to go into details of how the Minister wants to spend his money, but I just wonder, if it would be possible—and it should be Sir, in this House—for us to adjourn the debate in order to enable the Minister to go into details of some of the things which are failing, particularly the salaries and allowances of Members of the National Assembly. Once we get this insight, then it will be very possible for us to pass this new Supplementary Estimate. Otherwise it will not be possible. Mr. Speaker, Sir, that is all I would like to say.

The Chairman (Dr. De Souza): You mean that the Committee should report progress and beg

Mr. Achlung-Oenke: Knowledge of where civil servants come from is quite different from the original question, because I do not think Ministers are expected or supposed to know the villages where the civil servants come from.

The Speaker (Mr. Slade): Order, order. As I said before, the question of whether a question or a supplementary question is relevant or irrelevant is for the Speaker to decide. Quite definitely all these questions are relevant to the original question, which the Minister has answered with an emphatic "No". They are all relevant.

Mr. Kall: On a point of order, Mr. Speaker, I am slightly ashamed of some of the questions which have been raised and which I think shows that we are not endeavouring to maintain the standard of this House, Sir, when you come to the question of clans and villages of certain civil servants I think—

The Speaker (Mr. Slade): What is your point of order, Mr. Kall?

Mr. Kall: Mr. Speaker, I am saying that this question is not helping the House. It will be—

The Speaker (Mr. Slade): Order, order, Mr. Kall you must be more careful about points of order. You have heard what I have just said about fraudulent points of orders. The right of any hon. Member to interrupt the procedure of the House on points of order is a very special privilege, and it must not be abused. It is an abuse of this privilege to get up and argue a point of view under the guise of a point of order. I do warn hon. Members that if there is another case of this, I shall take it seriously, and the Member concerned will be required to leave the precincts of this House for the rest of the day.

Mr. Mallada: Mr. Speaker, Sir, does the Minister know who the Chief Editor and the Editor are and if he does, can he tell this House their names?

Mr. Achlung-Oenke: Mr. Speaker, Sir, it is not customary to reveal the names of civil servants and, therefore, I am not prepared to do so.

Mr. Choge: On a point of order, Mr. Speaker, for many weeks we have had Ministers and Assistant Ministers trying to avoid answering questions and is there any way, or are there any Standing Orders by which this House is entitled to throw a Minister out of office so that another Minister can be chosen to give appropriate answers?

The Speaker (Mr. Slade): Order, order. The question of throwing Ministers out of this House

can only arise in the case of a gross breach of Standing Orders which, there has certainly not been today. I have told hon. Members the remedy for dissatisfaction with regard to answers to questions, and how they can record their dissatisfaction. I can assure hon. Members that, if they have any grave and persistent dissatisfaction with good reason against any Minister, he is not likely to last.

Mr. Muliro: Mr. Speaker, Sir, arising from the most—

Mr. Gatunga: On a point of order, I am speaking again on this matter. Is the Minister right in telling the House that it is not customary to reveal the names of civil servants, when we know that in the past the Government has revealed the names of civil servants in this House?

The Speaker (Mr. Slade): It is customary/in this House.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 81: BACKGROUND OF EDITORS

Mr. Muliro: Mr. Speaker, Sir, arising from the most unsatisfactory reply by the Minister to this House, I would like to raise a Motion on adjournment here.

ORAL ANSWERS TO QUESTIONS

Question No. 815

SELECTION OF TRAINEES FOR LOCAL GOVERNMENT COURSES

Mr. Muruli asked the Minister for Local Government whether, in view of the great need for well trained local government staff all over Kenya, the Minister would tell the House why the candidates selected to study local government work in West Germany had not been chosen from different parts of the country.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply,

Sir, the question implies that the candidates were not chosen from different parts of Kenya. This implication is false.

On the 18th November 1964, eight local government authority staff left Kenya for a nine-month advanced course in local government in West Germany. The officials come from local authorities in Central, Coast, Eastern, North-Eastern, Nyanza and Rift Valley Regions. The hon. Member will therefore see that candidates were selected from

[The Minister for Local Government] different parts of Kenya. This is in accordance with the policy of my Ministry with regard to facilities for training in local government.

Mr. Masinde: Arising from that reply, is the Minister aware that out of the gentlemen who are now studying, six of them came from Nyanza, and particularly one district?

Mr. Sagini: Mr. Speaker, Sir, I will repeat the answer. I mentioned Central, Coast, Eastern, North-Eastern, Nyanza and Rift Valley.

Mr. Masinde: Arising from that reply, Sir, could the Minister therefore tell this House how many came from each of the provinces?

Mr. Sagini: I believe I have given the answer. There are six, but I remember faintly that eight went, but I do not know very well.

Mr. Somo: Mr. Speaker, would the Minister tell this House why none from the Coast Region, particularly Lamu, were not chosen?

Mr. Sagini: This kind of question is rather complicated, because I think I had one of these (Inaudible) asking this question. When a friendly Government offers one, two, three or even six, you can thank them, but this time there were six or eight. I think two were added later on, and as I have said, I do not know how they were added. But, let me answer your question: We cannot, at one time, satisfy every province and district. There will be others to come in the future and they will be considered.

Mr. Muliro: Mr. Speaker, Sir, bearing in mind that there were eight places, and considering that seven were prominent Kenyans, why was it not the Government's deliberate policy to pick up at least one in each province and one from Nairobi area?

Mr. Sagini: Mr. Speaker, I am ready really to do justice to every province and district if I can, but in some cases, for example, some county councils, they are very bad when it comes to administration, so there might be urgency in them. We should not work like that. It becomes very dangerous.

Mr. Shikuku: Arising from that reply, would the Minister, in view of the fact that we now learn that he never took any serious action to make sure that every province had someone for training, and also realizing the need for trained people in every province, would he assure this House that in future any scholarships for such

training will be equally distributed throughout the whole of Kenya?

Mr. Sagini: Because a district has had its share in the past, I am not going to stick to this. I do not promise.

Owing to unfortunate *Shifra* activities, for example, in the North-Eastern Region, we use our district officers.

The Speaker (Mr. Slade): Next question.

Question No. 816

RESTORATION OF ELECTRIC GENERATORS FOR MAKINDU

Mr. Ndile asked the Minister for Works, Communications and Power if the Minister would approach the appropriate authority (E.A. Railways and Harbours) to restore electricity generators at Makindu Township which were removed from Makindu Township a year ago.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply.

The East African Railways and Harbours Administration has not, at any time, installed a generator or electricity supply in Makindu Township. It has only installed a small generator for use by a railway training school at this township, but when this school was abandoned some time back, it was considered uneconomic to continue to have a generator in this township.

If the hon. Member is interested in an electricity supply in this area, he should ask the Power and Lighting Company to survey the area.

Question No. 820

ROADS AND BRIDGES FOR SETTLEMENT SCHEMES

Mr. arap Sol asked the Minister for Lands and Settlement who constructed and maintained the roads and bridges in settlement schemes.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply.

My Ministry constructs the roads in settlement schemes up to dry weather standards. Their maintenance after that is the responsibility of the county councils.

Mr. Sol: Is the Assistant Minister aware that in a most of the settlement schemes in Solik, the roads have been constructed, but are not up to the proper standards?

[The Assistant Minister, President's Office]

will, however, say that the number of commissioned or gazetted Kalenjin in the Kenya Army and Kenya Police adequately reflects the size of this group of tribes, and the esteem in which their martial qualities are held.

Mr. Kerich: Mr. Speaker, Sir, is the Minister aware that it is also dangerous for this House to be denied the right of knowing the tribal breakdown or the composition of tribes?

Mr. Nyanweya: I entirely disagree with the views of the hon. Member for Belgut. If the hon. Member would like to know the representation or the breakdown of his tribe in the security forces, the best thing he could do is to approach the Minister for Internal Security and Defence who would give him, not the number, but the explanation as to how big the representation is in the security forces.

Mr. Khasakhalu: The Minister is avoiding giving useful information asked for by the Members, we would like to know the number, and not the names, of the Kalenjin gazetted officers in the Police and in the Kenya Army. Could he tell the House the number?

Mr. Nyanweya: Mr. Speaker, Sir, the names would constitute the number and the number would constitute the names.

Mr. amp Sol: Mr. Speaker, Sir, if the Assistant Minister could not give this information now, would he give this information to Members in writing?

Mr. Nyanweya: Mr. Speaker, Sir, that would still infringe the security regulations because it is not the intention of the Government to publish the composition of the security forces to anybody except the security officers.

Mr. Kamuren: On a point of order, Mr. Speaker, since this question has been brought to this House and the Assistant Minister is not willing to answer us, as has been requested, could we seek your ruling in this case, whether it is not possible for him to answer the question asked by Members?

The Speaker (Mr. Slade): No, he is not bound to answer the question. No Minister can be compelled to answer any question: it rests entirely at his discretion. He usually tries to give a reason for his refusal, and in this case the Minister has done that. Once the Government refuses to answer a question, the House will get no further beyond expressing dissatisfaction, which I think you have done already. The next question now.

Mr. Kerich: On a point of order, Mr. Speaker, may I seek your ruling? What useful purpose does a question serve in this House if the Minister denies us the right of knowing the answer?

The Speaker (Mr. Slade): Hon. Members are aware that they ask several hundred questions in the course of a year and a very great percentage of those questions are answered fully by the Government. On some occasions, the Government gives only a very limited answer; and on very few occasions the Government refuses to answer. On those occasions, I think always the Government gives its reasons for refusal to answer. I have said that Government has the right to refuse to answer questions. If, however, Government persists in refusing to answer questions without good reason, it may dissatisfy Members so much that it might eventually cease to be the Government. That is all there is to it.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 810:
NUMBER OF GAZETTED KALENJI OFFICERS IN
KENYA POLICE AND ARMY

Mr. Kerich: Mr. Speaker, Sir, I would like to raise this question on adjournment.

The Speaker (Mr. Slade): Yes, I think you are entitled to raise it on adjournment, but you will not get very far if the Government declines to answer.

ORAL ANSWERS TO QUESTIONS

Question No. 811

BACKGROUND OF EDITORS

Mr. Kerich asked the Minister for Information, Broadcasting and Tourism whether the two persons who held the posts of Chief Editor and of Editor of the Kenya News Agency were members of the same village and of one clan.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onekoi): No, Sir.

Mr. Kerich: Will the Minister tell the House the names of the Chief Editor and the Editor in the Kenya News Agency?

Mr. Achieng-Onekoi: I did not catch the question.

The Speaker (Mr. Slade): Mr. Kerich, I would suggest that an even tone of voice will make it easier to hear your question.

Mr. Kerich: Mr. Speaker, Sir, may I ask my question carefully because the Minister is not

[Mr. Kerich]

listening? May the Minister tell the House the names of the Chief Editor and the Editor of the Kenya News Agency?

Mr. Achieng-Onekoi: No, Sir.

Mr. Kerich: May we know the reason why the Minister is not willing to tell the House because of tribalism in action?

Mr. Achieng-Onekoi: Mr. Speaker, Sir, in the first place I do not consider the question to be appropriate because the original question was whether the two persons who hold the posts of Chief Editor and Editor of the Kenya News Agency are members of the same village and members of one clan. The answer, Mr. Speaker, Sir, is no, Sir.

The Speaker (Mr. Slade): Which means, of course, that the hon. Member's supplementary was very much to the point.

Mr. Ngala: Arising from the Minister's reply, could the Minister give the villages and clans of both these officers concerned?

Mr. Achieng-Onekoi: Mr. Speaker, Sir, I do not know the tribes of members employed in my Ministry and it is not my business to know the villages where they come from.

Mr. Kerich: On a point of order, the Minister is refusing to tell us the truth because the two people mentioned are Luos. I, therefore, wish to raise this matter on an adjournment.

The Speaker (Mr. Slade): Order, order. Oh, no, Mr. Kerich, the point of order you raise is not a fresh point of order, and you cannot use it as cover for raising further questions. I have given the answer to that point of order and I am not going to give it again.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this. I think I am entitled to know the villages and the clans of these people. If the Minister does not have the information, surely his officers should have briefed him. May I have some explanation on this?

The Speaker (Mr. Slade): That is not a point of order, Mr. Ngala. The Minister may or may not wish to comment.

Mr. Sol: On a point of order, Mr. Speaker, the hon. Minister said he did not know the villages where these employees come from. He also said that he did not know where they come from and which clan they belong to and yet in his first

answer he said they were not of the same clan and village. Is he, therefore, telling a lie in this House? Is he in order to tell a lie in this House?

The Speaker (Mr. Slade): I think the hon. Member knows well that that is not a point of order. It is merely an argument on which he can question the Minister. I must insist that all hon. Members distinguish between a point of order and an argument, because I will not have fraudulent points of order in this House.

Mr. Ouwari: On a point of order, Mr. Speaker, I am trying to find out whether the Minister was in order to tell us in this House that it is not the business of the Minister to find out where the officers in his Ministry came from. If it is not his business, then whose business is it to find out in order to inform the Members of this House?

The Speaker (Mr. Slade): It is quite in order to do that, that is to say, it is not contrary to Standing Orders of this House to do so. Whether that answer interests hon. Members or satisfies them is quite another point. It is not a matter on which I can rule as a point of order. If hon. Members are dissatisfied with the answers given, or the reasons for the answers, they may make that dissatisfaction known by further questions or by comment, but not by points of order.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies given by the Minister, where the Minister has shown ignorance of the villages where the officers come from, would he be prepared to find out and let me know the answer?

Mr. Achieng-Onekoi: Mr. Speaker, Sir, I will not try to find out. However, one thing I know is that the villages are in Kenya and the tribe or clan is (inaudible.)

Mr. Masladi: Arising from one of the Minister's replies, Sir, since the Minister has indicated to this House that the persons in question are not of the same clan, how does he know that they were not of the same clan since he is not able to name that clan.

Mr. Achieng-Onekoi: I have already answered that, Mr. Speaker, Sir.

The Speaker (Mr. Slade): I do not think you have.

Mr. Khalif: Mr. Speaker, Sir, would the hon. Minister tell us as to why he said that he did not know the villages and the clans of these two people, the Editor and the Assistant Editor, when he said earlier, Sir, that they do not come from the same village and clan?

[Mr. Otiende] available in the case of Nakuru, Naivasha, Nanyuki, Marsabit, Rumuruti, Ol Kalou and Maragua, so that it is given as much priority as any other place in Kenya.

Mr. ole Tiplis: Mr. Speaker, Sir, firstly, can the Minister not confirm that this particular hospital caters for almost three districts, and the need is very urgent indeed?

Mr. Otiende: Mr. Speaker, Sir, I did say that this Thomson's Falls Hospital serves a large area. According to the districts, it does serve part of three districts.

Mr. ole Tiplis: My second question, Mr. Speaker, is whether we may know from the Minister the additional expense which would involve the employment of a full-time doctor apart from this part-time doctor? How much would it entail?

Mr. Otiende: Mr. Speaker, Sir, I do not have the actual figure here—I can get it in a few minutes—but it will not be more than one salary.

Mr. ole Tiplis: Oh a point of order, Mr. Speaker, may we know how much one salary is?

The Speaker (Mr. Slade): It is not a point of order. Next question.

Question No. 807

TAKE-OVER OF GINNERIES BY SOUTH NYANZA COTTON GROWERS

Mr. Ngala-Abok asked the Minister for Co-operatives and Marketing what arrangements, under the supervision of his Ministry, had been made to enable South Nyanza Cotton Growers to take over all the ginneries in the district.

The Assistant Minister to the Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Co-operatives and Marketing.

The Government is considering a scheme whereby the Cotton Growers Co-operative Societies in the area may acquire, progressively, an equity participation in the established ginneries. I am pleased to be able to say that the owners of the ginneries are willing to co-operate in this scheme. Participation will commence as soon as it is possible to arrange for loans to the co-operative societies.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Assistant Minister in the Vice-President's Office tell the House when the Ministry of Co-operatives

and Marketing will arrange for loans to farmers? About when, because "as soon as possible" is indefinite?

Dr. Waiyaki: Mr. Speaker, Sir, the negotiations are in progress and the Government is trying to obtain the money which is required to be given to the farmers as loans.

Mr. Ngala-Abok: Mr. Speaker, Sir, I have a question consisting of two parts, and you will have to excuse me if it is irrelevant.

The Speaker (Mr. Slade): You are asking a lot.

Mr. Ngala-Abok: First, could the Assistant Minister tell the House whether he is aware that the Ministry for which he is replying gave some tractors to help the farmers, cotton farmers plough and that only ploughing work is done, so that planting, weeding and picking work is left to the farmers? It is impossible for the farmers to do this without additional cash. Will the Ministry consider giving some cash for the following work, planting, weeding and picking cotton?

The Speaker (Mr. Slade): As you say, Mr. Ngala-Abok, it is quite irrelevant.

Question No. 808

RE-GRANTING OF LOANS TO SOUTH NYANZA TRADERS

Mr. Ngala-Abok asked the Minister for Commerce and Industry—

- when the Minister would reopen the granting of loans to traders in South Nyanza on easy terms;
- what the Minister tell the House what methods would be adopted by his Ministry to enable his staff to keep constant supervision on accounts and usage of such loans given to traders in future and to receive repayments to avoid defaulting.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I hope that the hon. Member is aware of the reason why loans have not been issued recently in South Nyanza. The facts are that over 75 per cent of the people who borrowed money from the Joint Loans Board in the area have defaulted. Out of the 145 loans issued, 112 people have not paid as yet. I would ask the hon. Member and other leaders in the area to encourage all those defaulting traders to repay their instalments in order that finance may be made available for new loans.

[The Minister for Commerce and Industry]

As far as the supervision is concerned, we had difficulty during the *Majimbo* Constitution when the Joint Loans Board had been turned over exclusively to the regions, but now we are re-organizing the situation. However, it must be appreciated that we have only one officer at present for the entire Nyanza Province, and one officer, I would admit, is not enough. As I have stated before, all leaders in the area should help us in encouraging the repayments and also I am asking the county councils in the area to try and adopt progressive policies such as issuing long leases for the shops in the area so that we can have some sort of security for the loans issued. This would then enable many traders to offer some property as security and thus reduce the possibility of defaulting.

Mr. Omveri: Mr. Speaker, Sir, would the Minister explain whether this defaulting has been encouraged by his Ministry, by not employing enough staff to go around and explain to people who have been loaned the money how to return and how to keep their accounts properly? So that they can return the money at the right time before they are considered to be defaulters.

Dr. Kiano: Mr. Speaker, no, Sir, I cannot accept the responsibility. I personally have been to South Nyanza doing the explanations myself and I was informed by the people that they thought that after *Uhuru* all the loans given before independence could be written off.

Mr. Agar: Mr. Speaker, Sir, would the Minister agree with me that persuasion only always seems to fail to get the defaulters to pay back the loan, therefore he must be prepared to take legal steps to get the people to pay the money back?

Dr. Kiano: I entirely agree with the hon. Member. We may have to incur additional expenses to prosecute those people.

Mr. Kamuren: Mr. Speaker, Sir, can we be told by the Minister concerned how loans, with the proper authorization can take place?

Dr. Kiano: Mr. Speaker, Sir, that is a question for the South Nyanza Joint Loans Board, that as soon as I get names of the present members to see whether they are satisfactory, I shall either reconfirm them as members or else I shall appoint new members to the Joint Loans Board.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, will the Minister substantiate the allegation that he was told, because that statement cannot be told to the Minister, that the

people of South Nyanza were expecting the loans to be written off after independence. Could the Minister enlarge on that particular allegation?

The Speaker (Mr. Slade): You cannot make a point of order an opportunity for a speech, but I think it is reasonable to ask the Minister to say what information he has to justify his statement.

Dr. Kiano: Mr. Speaker, Sir, during my visit to the area I received several memorandums which I gave to the Press and one of them did include that statement. If the hon. Member would like to receive that copy, then I would be glad to give it to him.

Mr. G. G. Kariuki: My point of order is that the hon. Member who is asking the question. Does he imply to say that the Minister who gave the statement was not sensible?

The Speaker (Mr. Slade): No, I do not think so.

Mr. Anyleni: Mr. Speaker, Sir, I must say that the Minister has said that so far there are no legal grounds under which they would prosecute the defaulters for not repaying loans. Could we know how long it is going to take the Ministry to prepare this so that people in South Nyanza may be able also to reap the fruits of independence by getting the loans?

Dr. Kiano: Mr. Speaker, Sir, I did not say that there was no legal grounds for prosecuting. I said that we shall incur additional expense if we prosecute, but we shall have to do so.

The Speaker (Mr. Slade): I think we shall move on to the next question.

Question No. 810

GAZETTED KALENJI OFFICERS IN ARMY AND POLICE

Mr. Kerich asked the Minister for Internal Security and Defence for the number of gazetted Kalenjin officers serving in the Kenya Police and Army.

The Assistant Minister, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Internal Security and Defence.

As a matter of policy, Sir, I have repeatedly declined to give details of the composition of the security forces, which would disclose information of value to unfriendly persons. Also, I deprecate this constant harping on tribalism, I

Wednesday, 17th February 1965

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

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

PRAYERS

NOTICES OF MOTIONS

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

PAPER FACTORY FOR KERICHIO DISTRICT

THAT in view of the fact that some districts have been neglected in establishment of factories especially Kericho District and since there is the biggest forest in Kenya in that district, this House urges the Government to establish a paper factory there as soon as possible.

REASONABLE PRICES FOR FARMS IN RIFT VALLEY

THAT in view of the fact that Africans are paying high prices per acre on "walk-in, walk-out" basis, especially Njoro, Rongai, Molo and Londiani in Rift Valley Province, this House urges the Government to set up a commission of inquiry or to employ Government valuers to ensure that reasonable prices per acre in these areas are observed.

COMPULSORY UPKEEP OF POOR: LEGISLATION

THAT in view of the fact that there are so many aged and beggars in big towns like Nairobi, Kiumu and Mombasa and the country at large, this House urges the Government to introduce legislation so that the rich can be compelled to pay for the upkeep of the poor.

ADMINISTRATION BY KENYA OF KARA-POKOT

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

THAT in view of the fact that the Kara-Pokot (Uganda) is part of Kenya which is being administered by the Uganda Government on her behalf and in view of the very low standard of living and constant fights among the inhabitants of this area, this House urges the Government to enter the quickest possible negotiations with the Uganda Government for immediate resumption of administration by Kenya in order to facilitate proper administration and development in the area.

The Minister for Health and Housing (Mr. Ollende): On a point of order, Mr. Speaker, I do not want to interrupt, but since this Motion was raised less than three months ago, is it in order for the hon. Member to raise it again?

The Speaker (Mr. Slade): Order, order. Our Standing Orders provide that we cannot reopen a subject which has been decided by this House within the previous six months, without the permission of the Speaker. I was not aware that we already had a resolution on this subject one way or the other, but if we had, I shall have to abide whether or not it is in the best interests of the House that the matter should be reopened.

Mr. Lorems: On a point of order, Mr. Speaker, I wonder whether a question which was asked in this House and then brought here again in the form of a Motion can be interpreted to be the same subject?

The Speaker (Mr. Slade): Oh, no.

SOMALIS TO BE IN GOVERNMENT

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

THAT this House considers the Government's act of denying the law-abiding Somalis who predominantly occupy the entire North-Eastern Province the opportunity to participate in the Government by failing to appoint their representatives as either Ministers, Assistant Ministers or as Chairmen to various Commercial Technical Boards as a discriminatory act against one tribe from the others and urges the Government to reshuffle the Cabinet of Ministers.

The Speaker (Mr. Slade): Order, order. I am sorry to interrupt you, Mr. Khalif, but I must tell hon. Members again that when notice of Motion is being given there must be perfect silence, otherwise hon. Members will not hear the notice. Any hon. Members having comment to make must preserve silence to the end of the notice.

Please hear this Motion in silence now.

SOMALIS TO BE IN GOVERNMENT

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

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[Mr. Khalif] Assistant Ministers or as Chairmen to various Commercial and Technical Boards as a discriminatory act against one tribe for the others and urges the Government to reshuffle the Cabinet of Ministers so as to include some Somalis in the offices of Ministers and Assistant Ministers.

ORAL ANSWERS TO QUESTIONS

Question No. 793

REFUSAL TO ATTEND CHIEF SECRETARY'S BARAZA

Mr. Odero-Sar: On a point of order, Mr. Speaker, I request for a written reply with regard to this question.

The Speaker (Mr. Slade): You say you asked for a written reply, Mr. Odero-Sar, did you?

Mr. Odero-Sar: Yes, Sir.

The Speaker (Mr. Slade): In that case you shall have a written reply.

Next question, please.

Mr. Anyieni: On a point of order, Mr. Speaker, I thought you ruled that if a question has come to this House then it is no longer strictly in the possession of the Member who asked it. Now, this question is a matter for the whole House and for those who are interested to know why the hon. Member's presence was not required. I would like your ruling, Sir, since this point was not made clear.

The Speaker (Mr. Slade): You are quite right that I did so rule; but I corrected that ruling on further consideration, that is within about an hour after I had given that ruling. If you refer back to HANSARD you will see that my final ruling was that questions still belonged to the Members up to the time when they are asked. Therefore, if at any previous point the Member says he wishes to withdraw his question or would like the answer in writing, even if he has not previously asked for the answer in writing, he may do so.

Yes, Mr. Anyieni, I gave that ruling, and probably you were not in the House when I withdrew that ruling and gave another one.

Mr. amp Top: On a point of order, Mr. Speaker, supposing some of us are interested in knowing exactly what was the reason for the hon. Member not being allowed to attend that baraza can we not be permitted to hear that reply and the Member receive it in writing as well?

The Speaker (Mr. Slade): All written replies appear in HANSARD and hon. Members can read what they are.

Question No. 804

FULL-TIME MEDICAL OFFICER AT THOMSON'S FALLS

Mr. G. G. Kariuki asked the Minister for Health and Housing if the Minister was aware that the Thomson's Falls Hospital had no full-time Medical Officer, and if so when he expected to be able to appoint one.

The Minister for Health and Housing (Mr. Ollende): Mr. Speaker, I beg to reply.

I am well aware that Thomson's Falls Hospital has no full-time Medical Officer. This hospital has been served for many years by a District Surgeon practising in Thomson's Falls. This appointment is part-time and, in actual operation, usually means the major part of the mornings, and being available the rest of the time for emergencies. In view of the growing population within the vicinity of Thomson's Falls, the whole of this area and elsewhere in the Republic of Kenya are now being re-examined within the Government development plan for the expansion of medical and health services. Within this plan consideration is being given to the possibility of recruiting a full-time Medical Officer at Thomson's Falls.

Mr. G. G. Kariuki: Arising from the Minister's reply, is the Minister aware that the present doctor who is part-time in Thomson's Falls has requested to be appointed as a full-time Medical Officer?

Mr. Ollende: Yes, Sir, I am well aware that the doctor is willing to be made a full-time Government officer.

Mr. G. G. Kariuki: Arising from the Minister's reply, could we therefore, know why he has not been appointed up to this moment?

Mr. Ollende: The reason why he has not been appointed is because in the Ministry's Estimate there is no provision for such a post, but the matter is being reviewed.

Mr. Muliro: Arising from the Minister's reply, is the Minister not aware that Thomson's Falls, being a backward district, should be given priority in appointing a permanent doctor in the place?

Mr. Ollende: I do not agree with the words "backward district", Mr. Speaker, but together with the surrounding area, which is very similar, we are reconsidering the medical facilities

[The Minister for Commerce and Industry] Corporation is represented by Alderman C. W. Rubia, who is Chairman of the Company, together with the Permanent Secretary to the Ministry of Commerce and Industry. This membership in the Board of the D.F.C.K. is not based on country-wide representation but on basis of share-subscription. The company is prepared to provide part of the finance required for the expansion of existing projects or for new projects throughout Kenya, provided they can be demonstrated to be commercially viable and soundly managed. Its minimum investment in any one project is £20,000 and its maximum of the order of £250,000. The company does not itself initiate projects but invests in those sponsored by others.

(2) I am authorized by the Board of the Development Finance Company of Kenya Ltd. to disclose that the company has made investments in five projects totalling £200,000 during its first full year of business, the projects being located in Mombasa, Nairobi, Naivasha, Nakuru and Elburgon. The company is at present negotiating with some sixteen other companies for investments which, if they were all to materialize, would total almost £2 million, and the locations of the proposed projects include Broaderick Falls, Chemelli, Cherangani, Eldoret, Embu, Gilgil, Kitii, Kisumu, Lamu, Mombasa, Nairobi, Nyeri and Thika. I should add that the company works in the closest co-operation with my Ministry and has the full confidence of the Government. The company has made very encouraging progress during its first year of business, and I am confident that in the future it will play an increasingly important role in the provision of finance for the development of industry in every region of the country.

Question No. 861

REGISTERED JOB-SEEKERS, 1964

Mr. Godia asked the Minister for Labour and Social Services if the Minister would tell the House how many work-seekers registered last year and how many had been found jobs.

REPLY

The Minister for Labour and Social Services (Mr. Mwenda): The number of persons registered as work-seekers last year amounted to 205,000 of whom 106,000 were classified as top priority work-seekers.

The number of persons who were placed in employment under the Tripartite Agreement

amounted to 34,000 by the end of the year. The table below shows the number employed against the target figure set up for the Agreement.

	Engaged as at 31/12/64	Target
Private Sector	28,000	30,000
Local Government	1,500	6,000
Kenya Government	4,450	8,800
Common Services	—	5,000
Total	33,950	49,800

Government has planned its full quota (8,800 jobs) and intends to engage the whole of it as fast as the type of projects will allow.

Question No. 871

EXPENSE OF JAMHURI CELEBRATIONS

Mr. Lorema asked the Minister for Finance if the Minister would tell the House:

(a) The total amount of money spent on the Jamhuri celebrations.

(b) The amount of money allocated to each district.

REPLY

The Minister for Finance (Mr. Gichuru):

(a) The amount approved for the Jamhuri celebrations was £180,000. This was less than half the amount for the Independence celebrations, which was £440,000.

(b) With the agreement of Provincial Commissioners, District Commissioners, the Directorate of Republic Celebrations allotted funds to provinces. The Provincial Commissioners then distributed the funds given to them to each district. The amount of money given to each Provincial Commissioner for the Jamhuri celebrations were based on half the amount given to each province for the Independence celebrations. The breakdown according to provinces was as follows:

	£
Central Province	2,285
Coast Province	1,750
Eastern Province	2,250
North-Eastern Province	250
Rift Valley Province	2,500
Nyanza Province	2,250
Western Province	1,750
Nairobi Extra Provincial District	600

Question No. 898

RESTRICTION OF LAND OWNERSHIP

Mr. Anyalen asked the Minister for Lands and Settlement when the Government intended to restrict the acreage of land an individual or a group of individuals was allowed to own in different areas of Kenya.

REPLY

The Minister for Lands and Settlement (Mr. Anyalen): The Government has no intention whatsoever to restrict the acreage of land an individual or a group of individuals may own in any part of Kenya. The Government's policy is that the large farms still remaining in production should continue to remain in production, but at the same time, an orderly transfer of farming land into ownership by the landless is being encouraged and is taking place rapidly.

The Government, however, appreciates the fact that there is a need for new thinking amongst all large-scale land-owners to consider immediately how best in the interests of the country every acre can be brought into production, and ownership of land diversified. The Government looks to every farmer to participate in its programme of reconstruction and development in implementing the policy of ensuring an equitable distribution of land.

Question No. 912

TRAFFIC ACCIDENTS IN 1963/64

Mr. Mboogh asked the Minister for Internal Security and Defence:

(a) How many traffic accidents occurred in 1963 and in 1964?

(b) How many in both years were due to drunkenness?

(c) How many of those due to drunkenness caused death?

REPLY

The Minister for Internal Security and Defence (Dr. Munga):

(a) Total number of traffic accidents:

1963	1964
2,378	3,699

(b) Accidents due to drunkenness:

1963	1964
84	144

(c) Death known to be caused by drunkenness:

1963	1964
8	18

These figures (para. (a) above), only reflect the number of accidents actually reported to the police. The true figures are probably much higher since accidents in which no persons are injured are "non-reportable" and are, therefore, not necessarily on record.

The figures given illustrate a considerable increase in the accidents due to drunkenness last year but even so the percentage of such accidents in relation to the total of those reported is approximately 3.9 per cent.

[The Attorney-General]

Senate and, as Mr. Speaker has pointed out, this House and the Senate are entitled to debate legislation that comes before them and introduce any amendments that they wish. That amendment might turn out to be invalid and unconstitutional and nothing can stop one from proposing the amendment. I do my best and I undertake to do my best to attend both this House and the other House and try and help, but of course you cannot blame me if my advice is not accepted and Members proceed as they wish.

To answer the question which has been raised, I have already said that I prefer, from the drafting standpoint, the word "the" to "this".

Mr. Ochwada: Mr. Speaker, Sir, perhaps there was something wrong with the Senators, as I do not quite understand how the word "this" came into this clause.

The Speaker (Mr. Slade): We cannot discuss what is wrong with the Senators; only what is wrong with their proposal.

Mr. Ochwada: If we agree to the proposed Amendment as suggested by the Senate, it would look as if clause 18 would be regarded as the disciplinary code to which we are referring. The disciplinary code it intends to set up is an entirely different document altogether and if, therefore, Mr. Speaker, we are to accept the word "this" instead of "the" it would completely change the meaning of the whole clause to something with an entirely different meaning. This, I think, would not be within the proposed Act that we want to pass.

Mr. Speaker, Sir, therefore with these few words, I beg to oppose the amendment made by the Senate.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I adopt the ruling of the Attorney-General and Members that we should oppose the amendment.

(Question put and negatived)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendment thereto)

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. The House is now adjourned until tomorrow, Wednesday, 17th February, at 2.30 p.m.

The House rose at fifty minutes past Four o'clock.

WRITTEN REPLIES TO QUESTIONS.

Question No. 774

COLLECTION OF COURT FINES, MACHAKOS.

Mr. Mutiso asked the Minister for Justice and Constitutional Affairs:

- Could the Minister tell the House how much money had been collected by his Ministry as court fines and appeals resulting out of land disputes in Machakos District since independence.
- Could the Minister also tell the House how many land cases had been heard in Machakos District since independence as recorded by the Appeal Court.

REPLY

The Minister for Justice and Constitutional Affairs (Mr. Mboya):

- The amount of money collected in respect of land appeal fees by the District African Court Machakos, for the period 12th December 1963 to 30th June 1964 is Sh. 17,046.00. The amount collected in respect of fines from all African courts in Machakos from 12th December 1963 to end of November, is Sh. 119,151.00.
- The number of land appeals heard by the District African Court at Machakos for the period 12th December 1963 to 30th September 1964 is 150.

Question No. 818

SELF-HELP SECONDARY SCHOOLS

Mr. Omweri asked the Minister for Education:—

- If, in view of the different speed of progress in various regions the Minister would tell the House how many self-help initiated Independent Secondary Schools existed in Kenya, and how many of these were opened in each region in 1964.
- If the Minister would eventually take over the Secondary Schools. How many of them had applied for a Government Grant-in-Aid.
- How many applications were refused permission to start or permission to receive a Grant-in-Aid in 1964.

REPLY

The Minister for Education (Mr. Koinange):

- Forty-nine self-help initiated Secondary Schools exist in Kenya:

Existing	Opened in 1964
12 in Western Region	12
31 in Central Region	31
1 in Nyanza Region	Nil
1 in Rift Valley Region	1
4 in Eastern Region	3
Nil in Coast Region	Nil
49	47

(b) Naturally all of them have applied for a grant-in-aid, and the Ministry of Education is making, in its long-term development programme, considerable attempts to grant-aid a few at a time according to the available capital and recurrent funds. Nine out of forty-nine will be aided in 1965, this represents approximately 19 per cent annual increase in the rate of grant-aiding.

(c) Obviously forty out of forty-nine schools will not receive aid in 1965. No satisfactory applications to open secondary schools were turned down this year. There are some standard requirements which have to be met by the applicants, for instance, adequate teacher supply, suitable buildings which conform with Health and Safety Regulations, and a financial assurance for maintaining the school and the staff.

Question No. 825

LOANS BREAKDOWN IN NYANZA REGION

Mr. Omweri asked the Minister for Commerce and Industry if the Minister would give the district breakdown of loans given to Nyanza Region, strictly from the Industrial Development Corporation up to the 30th September 1964.

REPLY

The Minister for Commerce and Industry (Dr. Kioko): The Industrial Development Corporation has approved four loans in Nyanza Region up to 30th September 1964. The loans approved are as follows:—

Central Nyanza:	£
1. Gilbert S. M. Angina—Mobile Sisal Decorticator	150
2. Ndori Bakery	1,500
3. Asembo Bay Sisal Co. Ltd.—Sisal Baling	2,000

Kisii District:

4. Kisii Farmers Co-operative Union—Manufacture of Stock Feeds 1,150

Applications for new commercial loans from six recommended Nyanza traders are being considered by the Industrial Development Corporation Board at their next meeting. One of these is a trader in Homa Bay and two others from Kisii.

I would like to inform the hon. Member that officers of the Industrial Development Corporation visited South Nyanza last year and drew up a preliminary development programme but not a feasible application has been received from that area. In view of this fact, the Executive Director and one of his officers are visiting the area again early in December in order to reassess potentialities and encourage local people to become industrial-minded. I would like to repeat my earlier statement that, unless people come forward with viable projects, it makes it extremely difficult for any Ministry to offer much practical help. Particularly with small industries, the development in any area of the country depends to a great extent on the enterprise, industry and initiative of the local people.

Question No. 826

DEVELOPMENT FINANCE COMPANY (OF KENYA): REPRESENTATION

Mr. Omweri asked the Minister for Commerce and Industry if the Minister would:

- disclose to the House the composition and countrywide representation of the Development Finance Company of Kenya;
- tell the House how much financial aid and to how many people or firms (on a regional basis) had this company given since 12th December 1963.

REPLY

The Minister for Commerce and Industry (Dr. Kioko): (1) The Development Finance Company of Kenya Ltd. is a private limited company incorporated in Kenya on 13th September 1963 with an issued capital of £1,500,000. This was subscribed equally (£500,000 each) by the Kenya Industrial and Commercial Development Corporation, the German Development Corporation and the Commonwealth Development Corporation. Each of the three Corporations nominates two directors to the Board. The Industrial and Commercial Development

[Mr. Skikink]

I think we are also entitled to make amendments to the Senate amendments, but if we have to pursue the argument of the last speaker that the Ministers or the people in the Attorney-General's Office are so competent because they have legal brains, they are not liable and they should be and could be relied on to not to make any mistakes, then why bring all these Bills to this House?

People have different views, and they are entitled to express their views, and I think the Attorney-General and his office should look into them, although some of us as individuals do not have legal brains, but, I think we have a bit of common sense. Therefore, I feel that the Attorney-General should take note of our views whether we have one party or not.

Here, Mr. Speaker, I do support the question of rejecting the Senate Amendment because of the explanation offered by the Attorney-General on clauses 1, 2 and 3 and the last one being 4, which all refer to the same thing, so I think the word "the" should remain. In other words, I do not support the Senate Amendment, and as such, I feel that the word "be" should remain and in future any amendments brought to us by the Senate will be accordingly considered, not as a waste of our time and the public's money, but in the interests of the country.

Mr. Anyien: Mr. Speaker, Sir, if I may be allowed to assume to much, I wish to disassociate our hon. House completely from the remarks which have been made by the hon. Member from Nairobi North-West.

Now Mr. Speaker, Sir, it is not a question of mistrusting the draftsmen in the Attorney-General's Office, but the hon. Member must be able to know that while we are not lawyers, we are the guardians of the people who elected us to this House. We are here for the sole interests of these people and as such, Mr. Speaker, Sir, I do not see why the hon. Member should say that the Senate should be able to trust the draftsmen in the Attorney-General's Office. After all, for the information of the hon. Member, he should be able to note that the Senate has brought some amendments to this House which have been accepted by the Government which means that, if we may assume that one can be wrong or right, we should be able to understand that while we may not agree with the Senate in this particular point, it does not mean that we do not trust the draftsmen in the Attorney-General's Office. I want to establish one point, I hope that I am doing this on behalf of this House.

The Senate has as much right as the hon. Member speaking has the right to suggest amendments, and these amendments can then be looked into by the Ministry, and then brought to the House for discussion. So the idea of the Senate more or less not having the right should not be there.

Mr. Speaker, Sir, coming back to this matter, I should like to say that the Attorney-General has said there are disciplinary codes for different groups of people. Now, we have always understood that those officers who are seconded to the Kenya Government by the outside Government will not be subject to these particular codes. There are also some other courts to which they could be sent, for example, we would like to know as to whether the Attorney-General is merely saying that these people can misbehave in any way they want and there is no other court to discipline them.

Dr. De Souza: Mr. Speaker, Sir, on a point of order, is it not correct that what my hon. friend has just said is beyond the scope of this proposed amendment? The only clause we are discussing is the one on which the amendment is proposed; it is not a question of whether people outside should not be subject to a disciplinary court.

The Speaker (Mr. Slade): I said before, when the hon. Member raised a point of order like this, that he was arguing that seconded staff must be subject to some disciplinary code. He wanted to make sure that they were still going to be subject to some disciplinary code if the amendment was not accepted.

Mr. Anyien: Mr. Speaker, the hon. Member should try to understand me although I am not a lawyer like himself. The point we are trying to make here is this. We have a lot of people from outside who have been seconded to our National Youth Service. Now the code that governs the members of the National Youth Service will not govern those seconded to our Government. This is what the Attorney-General has told me. Now we would like to know whether there is any other court, because this is specifically this particular court but you could have another one, another particular court. I do not understand it all, but the little I do understand is such that I would like to have an assurance from the Attorney-General that these people are still subject to another court, which is not this particular one. I would like to see something more specific than this.

The Speaker (Mr. Slade): It is difficult to see how your question is relevant to this amendment, now that you have clarified it, Mr. Anyien. Whatever answer the Attorney-General gave you, I do not see how it would affect the substitution of the word "this" for the word "the" or vice versa.

Mr. Gichoya: Mr. Speaker, Sir, I think I had better remove the doubts which the hon. Member has as to whether these people coming from other countries to our Service are completely immune from any regulation in the country. In the first place, if they are diplomats, they are subject to diplomatic regulations when they come here. If they are teachers, I believe too come here. If they are teachers, I believe too that the country has certain regulations which deal with teachers as teachers. If they are instructors or technicians, they even enjoy certain facilities which workers do normally enjoy.

The Speaker (Mr. Slade): You have allowed Mr. Anyien to lead you off into irrelevancies. We are discussing whether the word "this" is preferable to the word "the".

Mr. Gichoya: Mr. Speaker, there is no limitation, it is only that particular court that was being referred to previously. There are others in the country and there are immigration and other regulations governing every individual coming from another country into our country. I think, Sir, with all due respect to the Senators, they are inclined, sometimes, to be confused. This was brought about by the office of the Attorney-General, by its failure to go and explain to the Senate, and these confusions are then brought to this House. It is, on the one hand, a failure on the part of the Senate and, on the other hand, a failure on the part of the Attorney-General. The Attorney-General ought to have advised the Senators, not as a boss but as a servant of the Senate, through the Minister in the Senate, who is a servant of the Senate, that these words, in terms of law go this way. The Senators have some common sense and every Member of this House is endowed with it. The confusion that we are now facing, in the terms of the English language, ought to have been finished by the Attorney-General in the Senate.

With these few words, Mr. Speaker, Sir, I reject the amendment of the Senate, and warn the Attorney-General that if he proves to be inefficient we are bound to question his employment.

Mr. Ngabu-Abok: Mr. Speaker, Sir, I do not think that these two articles should bring about such a serious debate that we have been having. All I want to do is to ask the Attorney-General's Department, through the Attorney-General himself, to enlighten me on the question of procedure. I have read the Constitution, but the Attorney-General is here to interpret it to the House at certain times. I would like to know whether, when the Senate is trying to amend a clause in any of these Bills, the attention of the Attorney-General is drawn to that; and then whether the Attorney-General can reply to the Senate before such an amendment comes back to this House. If there is no such procedure, this House maybe asked to discuss what one hon. Member almost described as a waste of time. Therefore, to avoid double work or to avoid making a procedural mistake, I think the Attorney-General should give a better explanation of what his Department feels this amendment means and whether he agrees that the word "this" should replace the word "the". I think this alone would help the House to understand, because this is a legal point, whether the word "this" would be better and I think the Members would then follow the Attorney-General's explanation.

So Mr. Speaker, Sir, that is what I wanted to say and the ball now remains in the Attorney-General's court.

The Speaker (Mr. Slade): It is customary procedure in the two Houses to throw the ball to me! The position is that once the Senate has resolved an amendment, no one can stop its course back to this House for consideration by this House. It is too late then for the Attorney-General to tell the Senate that it is not a very good amendment, that he does not understand it. It is finished as far as they are concerned, it is then to be considered by this House. Then, when it is considered by this House, this House disagrees, it goes back to them and then perhaps they can see that it was not a very good amendment after all. The only way the Attorney-General can intervene is as suggested by Mr. Gichoya and to be present actually when the Bill is under consideration by the Senate and advise those who move certain amendments.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am not trying to defend myself; I am quite satisfied that we try to do our best. We have, on a number of occasions, suggested that the proposed amendment is not legally right and our suggestions and our proposals have not been accepted, both in this House and in the

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[The Assistant Minister for Lands and Settlement] information and not that the Senate gets involved with finance. Therefore, Mr. Speaker, I think the House agrees with the principle. It is only a question of technicalities of the implications of the law, and the wording of the two sections as they appear.

I do not think we have any point of disagreement here. The only thing is that one section deals with finance which concerns merely the House of Representatives, and the other section deals with information. I think both Houses are entitled to information.

Mr. Anyleni: Mr. Speaker, on a sort of a point of order, is it in order for the Clerk to this Council to include in the Order Paper a subject which, in effect, if we discuss it, contravenes the Constitution?

The Speaker (Mr. Slade): I have answered that point two or three times. I cannot stop projects coming before this House simply because I, or somebody else, thinks that they contravene the Constitution. I cannot stop this House really debating anything that they are entitled to debate according to Standing Orders at the right time. All I can say is that if as the result of any such discussion, this House comes to a conclusion which in fact contravenes the Constitution, it will be an invalid conclusion. It will have no legal effect. That does not prevent discussion by this House.

Dr. Kiako, would you like to reply?

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, I think the House is now agreed that we shall be very generous and we shall allow the Senators also to receive information from the Industrial Development Corporation.

The Speaker (Mr. Slade): Before I put the question, I would point out that, although the Senate cannot share with this House the responsibility of authorizing grants of money to the Industrial Development Corporation, they are quite entitled to debate the activities of the Industrial Corporation, and, for that purpose, to have the annual report of the Corporation.

(Question put and agreed to)

(Clause 2 as amended agreed to)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendment thereto)

THE MOTOR VEHICLE COMPONENTS AND ACCESSORIES BILL

(Consideration of Senate Amendments)

The Assistant Minister for External Affairs (Mr. Matano): Mr. Speaker, Sir, on behalf of the Minister for External Security and Defence, who is away at the moment, he has asked me to ask you, Sir, if this can be postponed until the next sitting.

The Speaker (Mr. Slade): Yes, with leave of the House, we will leave it for now.

(Consideration of Senate Amendment by leave of the House was postponed until a future date)

THE NATIONAL YOUTH SERVICE BILL

(Consideration of Senate Amendments)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I move that the Senate's Amendment to the National Youth Service be now considered.

The Minister for Commerce and Industry (Dr. Kiako) seconded.

(Question proposed)

Mr. Gichoya: Mr. Speaker, Sir, I did try to look at this Bill, at the amendment in connexion with the original, but I found that the problem is with the word "the" which is specifically referring to something that is already known and the Senators feel that it must be amended. Now, I should have thought, Sir, that when we refer to the Youth Service in this country, there is only one Youth Service which is recognized by law, and I do not see the point why, when we had already referred to it as the Youth Service at the end, we cannot refer to it as "the" instead of talking of "this". The word "this" means that we are completely ignorant, and that there has never been any clearance of the particular reference which was made in clause 4. Now, I think it is wrong to accept the amendment of the Senators. It is appropriate, in terms of the English language, to maintain this article "the" instead of "this".

The Speaker (Mr. Slade): You are not quite understanding the text of the clause which we are amending. The words which are governed by "the", which you may now wish to be governed by "this" are "disciplinary code", not "Youth Service".

I would point out to hon. Members that we need not discuss the merit of the amendment at

[The Speaker] this stage. If the House will resolve that the Amendment be now considered, we can then discuss its merits.

(Question put and agreed to)

Clause 18

That clause 18 of the Bill be amended by deleting the words "the" appearing in the last line of the subclass (4) and substituting in place thereof the word "this".

(Question proposed)

Mr. Gichoya: I would like to know from the Minister whether, when we refer to the disciplinary code, which is already serving in this country, if the Minister means that he is going to stipulate or has already stipulated, for the sake of this service, a code of regulations, which we are trying to exempt the officers from?

Mr. Anyleni: Mr. Speaker, Sir, I would like to ask the Attorney-General, who is here, to give us some direction. I think there are several disciplinary codes, and the one applying to the National Youth Service is a particular one, but if it is the same disciplinary code, then we should be able to be told so that the word "this" can be applied, or may not be applied. But, then we do not want what we agreed without this point being made clear, because there are a lot of disciplinary codes in the army and the police and so on. So, we would like the Attorney-General to enlighten the House as to what is exactly meant by this, so that we can discuss it with advice from the Attorney-General.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I do not understand this amendment from the Upper House, because section 18 lays financial provisions and the last paragraph (4) which should amend it, says, "the person seconded to the service from another country shall not be subject to the Code". This is the disciplinary code which is the one which is amended under section 18 (1) (2) (3) (4), so I do not understand why they want to change the word "he" to "this".

Mr. Anyleni: Mr. Speaker, Sir, with the enlightenment of the Attorney-General, we would like to know whether anybody who has been seconded from another country is free to do as he likes. We believe that if he is not subject to the court which affects the Members of the National Youth Service, that man should be subjected to another court, so this could mean that particular court which governs the members of the National Youth Service. But, then he could also be subjected, for example, he can be disciplined in some other way.

Dr. De Souza: Mr. Speaker, Sir, there is one point that I would like to make and that is about the Members of the Senate who like to bring the following amendment which is completely meaningless—

The Speaker (Mr. Slade): Hon. Members must be very careful how they criticize the Senate, as opposed to disagreeing with them.

Dr. De Souza: Without criticizing the Senate, may I say that this particular amendment of the Bill is meaningless?

Mr. Anyleni: Would the hon. Member then withdraw the word "meaningless" because we do not want to create a bad relationship between the Senate and the Lower House, so would he withdraw it, as far as the Senate is concerned.

Dr. De Souza: I withdraw it. The particular amendment that they have proposed to the House is in fact meaningless, and it is for this reason because they have, in fact, delayed the passing of this Bill, they have caused so much extra expenditure in this country, by the substitution of the word which makes not the slightest difference whatsoever. In fact, it complicates it a bit. I suppose the hon. gentlemen concerned realized that these Bills are sent to the Attorney-General's Department to look through them very carefully, and it would be correct for them to appreciate that there are good lawyers in the Attorney-General's Department who do their job, and if they disagree with the drafting of the amendment, particularly as we are a one-party state, and all the Members there are of the same party as the Government, it is only fair for them first to approach the Attorney-General to find out if, in fact, their amendments do have any substance, rather than just delay the Bill and cause so much extra expenditure to the country. It is a matter of principle, therefore, I feel that if we, just because we are afraid of the Senate, we have to agree to whatever they say, and therefore, we accept it, in order to avoid any further delay. If they accept that principle, then they will be bringing further and further amendments to us which, in fact, may be meaningless. I do, therefore, request the House to vote against it.

Mr. Shikuku: Mr. Speaker, Sir, I think I would agree with one of the remarks made by the last speaker, but I will not agree with him on the second point. In the first, he said that there is not the slightest difference between the two words, that is "the" and "this". Nevertheless, I think the Senators are entitled to make any amendment which, in their opinion, is of importance, although it may be of less importance to this House.

[The Assistant Minister for Lands and Settlement] information and not that the Senate gets involved with finance. Therefore, Mr. Speaker, I think the House agrees with the principle. It is only a question of technicalities of the implications of the law, and the wording of the two sections as they appear.

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(Question put and agreed to)

(Clause 2 as amended agreed to)

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(Consideration of Senate Amendments)

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THE NATIONAL YOUTH SERVICE BILL

(Consideration of Senate Amendments)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I move that the Senate's Amendment to the National Youth Service be now considered.

The Minister for Commerce and Industry (Dr. Kiano) seconded.

(Question proposed)

Mr. Gichoya: Mr. Speaker, Sir, I did try to look at this Bill, at the amendment in connexion with the original, but I found that the problem is with the word "he" which is specifically referring to something that is already known and the Senators feel that it must be amended. Now, I should have thought, Sir, that when we refer to the Youth Service in this country, there is only one Youth Service which is recognized by law, and I do not see the point why, when we had already referred to it as the Youth Service at the end, we cannot refer to it as "he" instead of talking of "this". The word "this" means that we are completely ignorant, and that there has never been any clearance of the particular reference which was made in clause 4. Now, I think it is wrong to accept the amendment of the Senators. It is appropriate, in terms of the English language, to maintain this article "he" instead of "this".

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[The Speaker] this stage. If the House will resolve that the Amendment be now considered, we can then discuss its merits.

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THAT clause 18 of the Bill be amended by deleting the words "he" appearing in the last line of the subclause (4) and substituting in place thereof the word "this".

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The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I do not understand this amendment from the Upper House, because section 18 lays financial provisions and the last paragraph (4) which should amend it, says, "the person seconded to the service from another country shall not be subject to the Code". This is the disciplinary code which is the one which is amended under section 18 (1) (2) (3) (4), so I do not understand why they want to change the word "the" to "this".

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Dr. De Souza: Without criticizing the Senate, may I say that this particular amendment of the Bill is meaningless?

Mr. Anyien: Would the hon. Member then withdraw the word "meaningless" because we do not want to create a bad relationship between the Senate and the Lower House, so would he withdraw it, as far as the Senate is concerned.

Dr. De Souza: I withdraw it. The particular amendment that they have proposed to the House is in fact meaningless, and it is for this reason because they have, in fact, delayed the passing of this Bill, they have caused so much extra expenditure in this country, by the substitution of the word which makes not the slightest difference whatsoever. In fact, it complicates it a bit. I suppose the hon. gentlemen concerned realized that these Bills are sent to the Attorney-General's Department to look through them very carefully, and it would be correct for them to appreciate that there are good lawyers in the Attorney-General's Department who do their job and if they disagree with the drafting of the amendment, particularly as we are a one-party state, and all the Members there are of the same party as the Government, it is only fair for them first to approach the Attorney-General to find out if, in fact, their amendments do have any substance, rather than just delay the Bill and cause so much extra expenditure to the country. It is a matter of principle, therefore, I feel that if we, just because we are afraid of the Senate, we have to agree to whatever they say, and therefore, we accept it, in order to avoid any further delay. If they accept that principle, then they will be bringing further and further amendments to us which, in fact, may be meaningless. I do, therefore, request the House to vote against it.

Mr. Shikuku: Mr. Speaker, Sir, I think I would agree with one of the remarks made by the last speaker, but I will not agree with him on the second point. In the first, he said that there is not the slightest difference between the two words, that is "the" and "this". Nevertheless, I think the Senators are entitled to make any amendment which, in their opinion, is of importance, although it may be of less importance to this House.

The Speaker (Mr. Slade): It might be better, Mr. Mbogoh, if you are willing to withdraw that.

Mr. Mbogoh: Mr. Speaker, I am convinced that this was unnecessary.

The Speaker (Mr. Slade): I think you went a little too far in suggesting that, when they have nothing better to do, they just sit and make alterations for the sake of them.

Mr. Mbogoh: Very well, Mr. Speaker, I withdraw those remarks.

Mr. Anylent: Mr. Speaker, Sir, any time we sit here and the Senate sits is very valuable time. In the Constitution it is very specifically stated that the matter is a matter for the Lower House only. Is it not then a waste of time for the Senate to be given this to discuss and then for it to be brought to us? Would it not be a saving of time for the whole nation if the Senate was allowed to look into these discussions and give their objections to the Minister concerned, instead of discussing what cannot be changed by them at all?

The Speaker (Mr. Slade): The Senate have proposed an amendment. Whether or not it is one that they have the power to make, or this House can rightly agree to, it has to come back to this House for discussion and for this House to say that it agrees or disagrees. As a matter of fact, there is a provision in the Constitution under which the Speaker of the Senate might have ruled that this was not a case in which such an amendment could be made. Section 60 of the Constitution is somewhat involved, but the effect of subsection 2 of that section is that the Senate shall not proceed upon any amendment to any Bill that in the opinion of the person presiding—that is the Speaker of the Senate—makes provision for some financial control—that is what it comes to. The Speaker of the Senate could have ruled that it was beyond the reach of the Senate to make this Amendment at all. He is not bound to do so, and if he does not, no one can argue with his decision. His decision is final. Then it has to come back to this House still.

Mr. Gichoya: On a point of order, Mr. Speaker, Sir, I wonder whether it is appropriate for us to request the Attorney-General to always be present in the Senate when they are discussing certain Bills which he himself considers to be involving the financial implications which perhaps the Speaker of the Senate or the Deputy Speaker of the Senate may not be enlightened on in terms of legality? If this

happens in future, we will not have to deal with certain things which otherwise ought to have been solved earlier by the office of the Attorney-General and the Speaker of the Senate. When we are discussing these things, it creates a controversy between the two Houses and, this ought to have been removed dutifully and carefully by the Attorney-General along with the Speaker of the Senate.

The Speaker (Mr. Slade): That is a matter for Government to answer. It is not a point of order on which I can rule.

The Attorney-General (Mr. Njonjo): Mr. Speaker, if I may—as you have said—I would like to say, with respect, that section 60 (2) is rather involved and in the proposed amendments to the Constitution which have recently been published we have tried to simplify the procedure so that it is quite clear. As you have again with respect, pointed out, the Speaker of the Upper House could have ruled on this point, but unfortunately he did not, but under the present amendment I hope the procedure will be so simple that there will be no misunderstandings between us.

The Speaker (Mr. Slade): As no hon. Member wishes to speak, I will ask Dr. Kiano to reply.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, there is not very much to reply to, but I think, with all due respect to both this House and the Senate, perhaps people were not quite aware of the text of the sections being amended. That is why this thing did go through. The words "Legislative Council" appears only twice in the original Bill which we were seeking to amend by this new Bill. Section 11 of that original, where the words "Legislative Council" actually appear, it says, "To enable the Corporation to exercise its powers so as to fulfil any obligations. The Minister for Finance may, with the consent of the Legislative Council, make advances or grants to the Corporation." That is where we are saying that the financial control belongs to this House. We are not saying "discussed," it says "with the consent".

If we say "the consent of the National Assembly", we will be saying that the Senators also must consent, which would be contradicting our own Constitution. That is where the Speaker could have even ruled that this does not have to come back. However, there is another part which also has the words "Legislative Council" in, which reads as follows: "The Accounts and Annual Report shall within six months of the

[The Minister for Commerce and Industry] completion of the financial year of the Corporation be laid on the Table of the Legislative Council by the Ministry." Now concerning that part which simply says that the annual report and annual accounts will be made available to the hon. Members—with the spirit of fraternity, Mr. Speaker,—it is perfectly all right for us to say, "Your report was also to our colleagues in the Upper House", and that is why I have said, with reference to section 11, we must leave it as it was; that is, the House of Representatives. As far as section 14 (5) is concerned, where we simply say, "Lay the annual report and accounts on the Table", I would be quite willing to say, "Lay it on the Tables of both Houses of the National Assembly".

(Question put and negatived)

The Speaker (Mr. Slade): Now, Dr. Kiano, you can move your alternative amendment.

The Minister for Commerce and Industry (Dr. Kiano): Thank you, Mr. Speaker. I have been wondering which one the House had rejected. They told me that it was not mine that was rejected, but the Senate's amendment which was rejected. I am very happy about that.

Mr. Speaker, Sir, I beg to move to further amend, that clause 2 of the Bill be amended by deleting all the words after the word "in" in the penultimate line thereof and substituting therefor the words "section 11", the words "House of Representatives", and for the words, "Table of the Legislative Council", which appear in section 14 (5), the words, "Tables of both Houses of the National Assembly".

I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question of the alternative amendment proposed)

Mr. Gichoya: Mr. Speaker, Sir, we have just made it clear that the House of Representatives deals with the finance aspects of the country. Now the Tables which the Minister tells us which must be considered are the Tables of the two Houses. Why should we involve ourselves in order to appease the Senate, that the two Tables of the Houses must be considered? This, Mr. Speaker, is where I perhaps disagree with the Minister. I agree with the first part where the House of Representatives takes the responsibility. The question of presenting it again making it a part of the law, that it must be sent to both Houses, I suggest to the Minister that

it be withdrawn. The question of placing it on the Tables of the two Houses should be withdrawn and left as it is.

As a matter of courtesy and procedure, he could also table it if he thinks fit. That part I object to in that Motion.

The Speaker (Mr. Slade): I would just point out to hon. Members that section 14 (5) to which the hon. Member refers covers a report as well as accounts of the Industrial Development Corporation. I know hon. Members are not very familiar with the text of the original Act.

Mr. Mbogoh: Mr. Speaker, I am wondering if, as the Minister has just said, according to the Constitution, money matters can be passed without going to the Senate. Are we just mentioning the two Tables so that we can please the Senate by the amendment, or simply because we feel that this is necessary? If it is passed, are we going against the Constitution which mentions the House of Representatives only?

The Speaker (Mr. Slade): Would you like to take this up, Mr. Njonjo?

The Attorney-General (Mr. Njonjo): Mr. Speaker, if I may perhaps try to help. At the moment, we have two Houses of Parliament, the Lower House and the Upper House. The section we are trying to amend reads as follows, that is section 14 (5), "The Accounts and Annual Report shall within six months of completion of each financial year of the corporation be laid on the Table of the Legislative Council by the Minister". As we have two Houses, and this is merely a report and accounts, I myself submit there is no objection in having this amendment, because all we are providing is that these accounts be laid on this Table and a similar account will be laid in the Upper House, for information.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, it is always difficult to understand the technicalities of these sections. We are not always conversant with legal affairs and I think the Minister should forgive the hon. Members if they appear to be a little confused. I think the question here is the first section, the section which has been amended to provide for the laying of the Bill to the House of Representatives. It is the actual part which concerns finance and it is the only part which has financial implications. The latter part which involves both the House of Representatives and the Senate, Mr. Speaker, as far as I understand is only for the purpose of

[The Minister for Commerce and Industry]

I might perhaps, for the benefit of those Members who may not have the amended copies, read it. It is proposed that clause 2 of the Bill be amended by deleting all words after the word "in" in the penultimate line thereof and substituting therefor the words: "section 11 of the words 'House of Representatives' and for the words 'table of the Legislative Council' in section 14 (5) the words 'tables of both Houses of the National Assembly'."

The Speaker (Mr. Slade): Hon. Members will appreciate that on Motions of this kind the ordinary rules of debate apply, and hon. Members can only speak once in this debate. When the Mover replied at the end of it, I realized that Mr. Mbogoh wanted to speak, but it does not make much difference because we are only considering now whether the Senate Amendment should be considered. Having resolved that it should be considered, there will be an opportunity for further discussion on the amendment. I think I had better put the question now.

Mr. Anyienli: The Minister, Mr. Speaker, said this is a Constitutional matter. We would like to read this before we say yes or no because we do not know if it is a strictly Constitutional matter and since we are not discussing the matter of the Constitution, I would like you to give us guidance on this. If the amendment of the Senate affects the Constitution, and right now we are not discussing a Constitutional matter, then we would like to be given guidance as to whether we are free to discuss this or not.

The Speaker (Mr. Slade): I think all our Members must always be free to discuss any Bill or any amendment of a Bill. The mere fact that it is pointed out to them that something proposed to the House may conflict with the Constitution does not stop them arguing about it, though if its result is found by a court to be unconstitutional, it will simply be invalid. So, I would not say that the fact that some proposition before the House is not in accordance with the Constitution debars all discussion of it.

(Question put and agreed to)

The Speaker (Mr. Slade): Now I have to apologize to the Clerk Assistant. I was wrong a moment ago on what I said was the procedure on these Amendments. He was quite right; our Standing Orders required him at this stage to read out the whole of each proposed Amendment, one at a time. On each one, the question proposed by the Speaker is that this House doth agree to the said Amendment. The Clerk will now read the first Amendment.

Clause 2

THAT clause 2 of the Bill be amended by deleting the words "House of Representatives", appearing therein and inserting in place thereof, the words "National Assembly".

The Speaker (Mr. Slade): The question I have to propose is that this House agrees to the said Amendment; and I should explain that if the Minister wishes to substitute an alternative amendment, as he has indicated that he does, it is in order for him to ask the House not to agree to the said Amendment. If the said Amendment is negatived, then after that it is open to the Minister to move his alternative amendment. At this stage, we can only agree to the Senate Amendment without amendment or disagree.

(Question of the Senate Amendment proposed)

The Minister for Commerce and Industry (Dr. Kiano): I have already asked the House not to approve the Senate Amendment.

Mr. Anyienli: Mr. Speaker, when I raised the point of order, I did not very well understand your reply, because we feel that on a question which has got to do with money and things like that, imprisonment and things like that, the National Assembly, which has been voted for by the whole country, should be able to have a say, and that the Senate should not be made to appear a rubber-stamp.

Therefore, Mr. Speaker, we would like to know strictly as to whether, in any discussion on this, we will be able to change it, because I did not hear the ruling you made. If, Mr. Speaker, it is possible for us to change this from the House of Representatives to the National Assembly, we would prefer it to be that way. Yet even if we agreed to that, and still, constitutionally, it cannot be, because this is a constitutional matter, then we would like to know so that we do not waste time on this.

The Speaker (Mr. Slade): The answer I gave to Mr. Anyienli's point of order was that this House is not debarred from discussing a matter simply because it is said to be contrary to the Constitution. The only thing is that if they come to a decision which is contrary to the Constitution, it will be found to have no effect at all because it is, over-ridden by the Constitution.

Now as regards this particular matter, it is a very important principle; in the terms and spirit of the Constitution, that all financial control is reserved to this House, of the National Assembly. The power of the Senate is limited to criticism of what this House does in other matters or very

[The Speaker]

limited periods of criticism of financial decisions of this House, and initiating legislation other than on financial matters. Finance belongs to this House. That is why this Amendment Bill, as passed by this House, referred to this particular matter of authorizing the Minister for Finance to make grants to the Industrial Corporation as being done by this House, in place of the former Legislative Council.

That is why the Minister now proposes that the House should hold to its original Bill and not allow the Senate to participate in that particular responsibility of authorizing the Minister for Finance to make grants for the Industrial Corporation, or any other body, for that matter.

Mr. Gichoya: I wonder whether one is allowed to speak on this, Sir?

The Speaker (Mr. Slade): Yes.

Mr. Gichoya: Mr. Speaker, Sir, I think there has been a sort of feeling among some Members of the Senate that we are becoming a very important institution; the House of Representatives, which is the Lower House, and, as a matter of prestige, certain Bills which are very clear and are supposed to be dealt with only by the House of Representatives, the Senators feel they should have a right to discuss. I think that so long as the relations between the two Houses are clearly stipulated and have been functioning harmoniously, there is no need for the Senators to have the feeling that they are being belittled because the money Bills do not go to them.

I think that what should be done is that the Minister should assure the Senate that wherever there is any Bill relating to the Industrial Development Corporation, and it does not involve money, that Bill will definitely go to them or perhaps start from the Senate and come back to the Lower House, so that the Senators could feel that they have a role to play.

In this connexion, Sir, it is the privilege of this House and the right of this House that we deal with money and since this is a Bill which relates to money I think the Senators should leave it to the House of Representatives. As long as the Minister has assured this House that the steps already taken by the House of Representatives are legitimate and legal, then I do not see why we should accept the Senators' Amendment so kind, they could be included in discussions of this kind, which should actually be our rights. We do not deny their rights; we do not even demand that what is theirs should be ours. We have allowed them to discuss what is theirs and we discuss what

is ours. This is our right, our privilege, if we may call it so, and we have to safeguard it, Sir.

Mr. Agari: Mr. Speaker, Sir, I support the Minister in rejecting this amendment by the Senate because it would become an anomaly if we were going to allow the Senate Amendment to stand on a matter of granting money, through the Minister for Finance, to the Industrial Development Corporation. I think, as one hon. Member has stated, that this is really a constitutional matter, the terms are constitutional; money matters are controlled by the House of Representatives and the words "House of Representatives" are the proper ones. I therefore support the Minister in rejecting the Senate Amendment.

Mr. Mbogoh: Mr. Speaker, Sir, while I support the Minister on the question of rejecting the amendment, and also the other Members, I wish to say clearly here that the Senate should know better than just to think in terms of themselves so that they can be included in every Bill which is passed when they are there, they know for certain that many of the things we pass here in the House of Representatives are passed and then they go and look at them; and when they have no work to do, they sit down and start discussing a few things like this and think that they can be included in everything.

So, Mr. Speaker, I think that the Senate should be advised to check everything clearly and know the constitutional parts of the Bills; they would be saving our time and saving other people's time in discussing such small things.

I therefore support the rejection.

The Speaker (Mr. Slade): I think I should say, at this stage, that there should not be any unnecessary criticism by this House of hon. Members of the Upper House or vice versa. We have to work together. We can, of course, disagree with what they propose, but I do not think we should criticize their conduct or their intelligence or anything else in the process of that disagreement. I do intend, if hon. Members criticize without absolute necessity the conduct of the Senate as opposed to the projects put forward by the Senate, to rule that out of order.

Mr. Agari: On a point of order, Mr. Speaker, in view of the fact that we want to encourage the spirit of working together, I would request the hon. Member to withdraw the words he said: "The Senate, when they find they have nothing to do, they sit down and scrub out a few things on the Bills they have."

[The Assistant Minister for Local Government]
During 1963 and the first ten months of 1964, eighteen local government authority councillors from some twelve councils have gone overseas on short local government study tours. Eight of these have come from seven county councils.

Mr. Kerich: Mr. Speaker, Sir, can the Minister agree with me that Kericho District was neglected?

Mr. Njiriri: Sir, I did not hear the question.

Mr. Kerich: Sir, I said, can the Minister agree with me that Kericho District Councillors were not included?

Mr. Njiriri: No, Sir.

Mr. Somo: Mr. Speaker, Sir, could the Junior Minister tell this House which were the countries that offered these scholarships in 1963 and 1964?

Mr. Njiriri: So far, Mr. Speaker, we have Great Britain, United States, Israel and West Germany.

Mr. Somo: Mr. Speaker, Sir, could we have the analyses of the seven councils concerned?

Mr. Njiriri: So far we have eight. Some from Kipsigis, Kakamega, Kisumu, Kiambu and Taita Counties.

Mr. Somo: Arising from that reply, Mr. Speaker, Sir, could the Junior Minister tell the House, among the mentioned Governments, how many scholarships did each Government receive?

Mr. Njiriri: I am not able to tell how many at present, but I would be in a position to reply later.

Mr. Speaker (Mr. Slade): Is any hon. Member authorized to ask the questions set down by Mr. Rurumban?

NOTICE OF MOTION FOR THE ADJOURNMENT

CASH GIFTS AT PUBLIC MEETINGS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice from Mr. Makokha of his desire to raise on an adjournment the matter of the President's and Ministers' cash gifts at public meetings (towards local projects, and the dangers that seem to be cropping up in connexion with such gifts.

I have allotted tomorrow evening, Wednesday, 17th February, at the close of ordinary business for that matter to be raised.

BILLS

First Readings

THE AGRICULTURE (AMENDMENT) BILL

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

THE KENYA NATIONAL LIBRARY SERVICE BOARD BILL

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

THE FOOD, DRUGS AND CHEMICAL SUBSTANCES BILL

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

THE ELECTRIC POWER (AMENDMENT) BILL

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

THE AGRICULTURAL DEVELOPMENT CORPORATION BILL

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

(Consideration of Senate Amendment)

THE ANIMAL DISEASES BILL

Clause 20

THAT clause 20 of the Bill be amended by deleting all the words after the first word "imprisonment" appearing therein and inserting in place thereof the following words:—

"not exceeding six months or to a fine not exceeding five thousand shillings or to both such imprisonment and such fine".

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House now considers the Senate amendment to the Animal Diseases Bill.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Mr. Slade): The procedure is, under our Standing Orders with regard to Senate

[The Speaker]
amendments, now that the House has agreed that the amendment be now considered, that the Clerk simply reads the clause number, and then it is for the Speaker to propose the question of the amendment.

(Question of the amendment proposed)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, Government accepts this amendment and I would therefore ask the House not to debate on it at length. We in the Government have found that the amendment is worth accepting and as such we have accepted it and I would ask the House to accept it as well without further debate.

The Speaker (Mr. Slade): Before I put the question, I would like to say, if I would not be out of order for pointing it out, that this amendment is not really necessary, because it is covered by section 71 of the Interpretation and General Provisions Act, whereby all sentences are only maximum sentences unless otherwise expressly provided by the law concerned.

(Question put and agreed to)

(Clause 20 as amended agreed to)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

THE INDUSTRIAL DEVELOPMENT (AMENDMENT) BILL

(Consideration of Senate Amendment)

Clause 2

THAT clause 2 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I beg to move that the House doth now consider the Senate amendment to the Industrial Development (Amendment) Bill.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Anylen: Mr. Speaker, I do not want to say much but I do want to know why the words "House of Representatives" was used instead of the words "National Assembly". I would like the Government, or the Minister concerned, to be able to explain to the House why the words "House of Representatives" was used. I would

also like to know whether the House of Representatives represents both Houses of the National Assembly, so that in supporting or opposing the amendment we shall know whether the amendment is really a necessity or not.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I would like to point out that the Government does not accept the Senate amendment *in toto*, because there are some complications which I am glad the hon. Member for Kisii has wished to be notified about. For simplicity's sake in the original form we had put "House of Representatives" in place of "Legislative Council" because part of this section, that is clause 2 of the original Bill, had to do with the granting of money by the Minister for Finance with the approval of the Legislative Council in the original form, and now the House of Representatives. Now, as the hon. Member knows, Mr. Speaker, when it comes to money Bills these Bills are initiated in the House of Representatives and the House of Representatives has the last word on the question of money.

Therefore, Sir, what I have proposed is that with reference to section 11 of the original Bill which deals with the granting of money to the Industrial and Commercial Development Corporation by the Minister for Finance, with the approval of the House of Representatives, we retain the words "House of Representatives", otherwise we shall be giving away to the Senate a power which is reserved only to this House by the Constitution itself. It would therefore be a breach of the Constitutional procedure if we accepted that in section 11 of the original Bill we replaced "House of Representatives" with "National Assembly".

With reference to section 14, part V, I am quite willing to accept the use of the words "National Assembly" because that part only refers to laying on the Table here and laying on the Table in the Senate for information the accounts and annual reports of this corporation.

Therefore, the House ought to know that there is a difference between these two parts. One part is section 11 which is a money Bill and that part must be left only to the House of Representatives. With regard to section 14, part V I am willing to agree with the Senators that for that part, which only deals with information given to them, that part should be amended to include the Senate.

Hence, instead of accepting the way the Senators had worded the amendment I preserve the prerogative of the House of Representatives as far as section 11 is concerned.

Mr. Achlang-Onoko: When funds are available, Mr. Speaker.

Mr. Gichoya: Arising from the Minister's reply that he is prepared to take the whole machinery over when funds are available, is he now prepared to consider his own future demand for a Ministry, the project to be taken over by the K.B.C.?

Mr. Achlang-Onoko: The question is not very clear because he is referring to the K.B.C. which is not known any more.

Mr. Gichoya: Mr. Speaker, Sir, I think that I should make myself clear. What I mean is this: the Minister says that he has not sufficient funds to take over the D.B.C. monitoring station which is at Karen. Now, I asked the Minister whether he was prepared to include within his Budget Estimates for the coming financial year money enough to cover the cost of taking over this monitoring station.

Mr. Achlang-Onoko: Finding funds is another thing altogether; it is far from a Government decision, but my Ministry is anxious to see that the station becomes a Kenya Government station. That decision has, in fact, been taken, but as far as funds are concerned, when they are available we will have to bring the matter to the House to decide whether the money is there to pay to the D.B.C.

Question No. 797

DISMISSED WORKERS AT VIPINGO AND KILIFI

Mr. Balala asked the Minister for Labour and Social Services how many workers of the Vipingo and Kilifi Sisal Estates respectively had been dismissed by their employers after the Tripartite Agreement?

The Minister for Labour and Social Services (Mr. Mwendwa): The question is not clear, Mr. Speaker. The question ends with the words, Mr. Speaker, "after the Tripartite Agreement". The Tripartite Agreement, as such, has not come to an end, but if the Member wanted to know how many employees were sacked during the life of the Tripartite Agreement, then, Mr. Speaker, the answer is as follows:—

Fifty-one workers have been discharged by the Vipingo Sisal Estate and forty-one by the Kilifi Estate, while during the same period, eighty-six workers left the Vipingo Estate of their own accord and forty-seven left their employment at Kilifi.

Thirty-seven of the discharges at Vipingo and thirty-two at Kilifi resulted from absenteeism. These dismissals took place in accordance with

the agreement existing between the Kenya Plantation and Agricultural Workers' Union and the Sisal Employers' Association whereby a worker who absents himself for more than three working days in a month is issued with a written warning. If, after two such warnings, the worker absents himself again, the agreement permits his dismissal. In point of fact, at Vipingo, the three-day period is extended to ten days before action is taken in respect of absenteeism.

Of the remaining fourteen dismissals at Vipingo, four workers were discharged on medical grounds and six were proved guilty of misdemeanours. The remaining nine dismissals at Kilifi were on similar grounds. This number of dismissals over a period of nine months is not exceptional when one has in mind that the Vipingo Estate employs some 3,000 workers and Kilifi a further 600.

I would invite Members' attention to the fact that provision is made in the Tripartite Agreement for dismissal in the case of indiscipline and that local tripartite committees are set up to which a worker may appeal against his dismissal if he so wishes.

Mr. Balala: Mr. Speaker, Sir, could the Minister tell this House what steps and investigations were made by his Ministry to see that the dismissals, he mentioned, were justifiable and not mere oppression by the employers of the employees?

Mr. Mwendwa: Anybody listening to my analysis of the numbers dismissed, on medical grounds and other grounds, should know that our Ministry did investigate because without investigation we would not have been able to obtain these figures.

Mr. Oluwada: Mr. Speaker, Sir, would the Minister tell the House whether there were any replacements for these dismissals and desertions?

Mr. Mwendwa: Mr. Speaker, in any estate when somebody is dismissed, it is up to the manager to see that he replaces immediately the person dismissed.

Question No. 798

DEVELOPMENT OF COAST BATTERY SITE

Mr. Balala asked the Minister for Lands and Settlement:—

(a) For what purpose did the Government intend developing the site of the Coast Battery, once leased to the British Army?

(b) Were there any existing sites in Kenya still occupied on lease or otherwise by the British Army?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. After consultation with certain Government organizations, which had an interest in the Coast Battery site, it has been decided that the part of the site on which several substantial buildings existed should be occupied by the Police Department and that as much as possible of the open space between the buildings and the shore, including that portion of land held by the East African Railways and Harbours Administration for port purposes, should be made available to the Municipal Council.

In reply to the second part of the question, I can state categorically that all land formerly occupied by the British Army, whether held on freehold title, leasehold or by reservation, is now in process of being handed over to the Kenya Government. Letters of allotment and reservations were relinquished prior to 12th December 1964, while freehold and leasehold titles are in process of being surrendered.

Question No. 801

COMPENSATION FOR DEPENDENTS

Mr. arap Sol asked the Minister for Internal Security and Defence whether he could tell the House what compensation was given to the dependents of a Kenya Army soldier when he was killed in the service of the country?

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply.

Provisions for compensation to the dependents of a Kenya soldier killed in the course of his duty are contained in the Kenya Military Forces Regulations (Cap. 201 of the Laws of Kenya). These Regulations provide for the payment of a pension to the widow of the deceased soldier and to his dependent children. In addition a gratuity is payable to the dependents.

Mr. arap Sol: Mr. Speaker, does the Minister consider that the pension is enough for the education of the children?

Mr. Gichuru: I do not think there is any question of my passing judgment on this. These are Regulations and until they are altered they remain so.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister tell this House whether this compensation applies to tribal policemen and other general policemen?

Mr. Gichuru: We are talking about the army and they do apply to all ranks.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister tell the House the number of dependents who have been given compensation since he says the Regulations are old.

The Speaker (Mr. Slade): That is a different question and I do not know whether the Minister has come prepared to answer it.

Mr. Sol: Mr. Speaker, will the Minister tell the House who changes the Regulations? This Minister or the Minister for Defence?

Mr. Gichuru: Mr. Speaker, Sir, my duty is to see that the rules are carried out, and this is exactly what I have been doing.

Mr. Gichoya: Mr. Speaker, the Minister did say that until and unless the Regulations have been altered they still have effect so, now, who is empowered to alter these Regulations and stipulate the proper regulations conducive to the free Kenya?

Mr. Gichuru: Sir, I have no answer to that question.

Mr. Anyieni: In view of the fact that the conditions that the Minister has already mentioned were conditions laid down during colonial days, when an African was not considered to be a human being, would the Minister consider setting up a committee to investigate and find out whether these Regulations could be brought to Parliament for necessary changes?

Mr. Gichuru: I cannot promise to do so.

Mr. Mhogohi: Mr. Speaker, Sir, in view of the fact that in Kenya today you find that there are some limits of age when somebody becomes permanently employed and receives a pension, could the Minister tell us this: will every soldier employed get on to the permanent scale as soon as he gets into the service?

The Speaker (Mr. Slade): We are talking about compensation for soldiers killed in the service.

Question No. 803

SHORT COURSE SCHOLARSHIPS

Mr. G. G. Kartuki asked the Minister for Local Government if the Minister could tell the House how many short courses scholarships for county councillors had been provided by friendly governments during the years 1963 and 1964.

The Assistant Minister for Local Government (Mr. Njiru): Mr. Speaker, Sir, I beg to reply.

[Mr. Koinage]

one particular aspect, but we intend to establish Chairs in various fields, of which international affairs is one, provided we have money to establish the said Chair.

Mr. Anyleni: Mr. Speaker, Sir, in view of the fact that today we have sent diplomats, representing our nation overseas, without any training, would the Minister give a guarantee to this House that since the Government may be planning to send more diplomats overseas, Government will make sure that these people are trained before they are sent overseas, so that there is no embarrassment caused which may come because of ignorance, not because of fault of the diplomats?

Question No. 776

MOSQUITO NETS FOR KISII HOSPITAL

Mr. Makone asked the Minister for Health and Housing if the Minister would tell the House why Kisii Hospital was not provided with mosquito nets for the patients' beds.

The Assistant Minister for Health and Housing (Mr. Moss): Mr. Speaker, Sir, I beg to reply. I do not consider that it is necessary to supply mosquito nets for patients in Kisii Hospital as it is not considered that the mosquito density there is a major problem.

Mr. Makone: I do not understand what the Minister's reply is.

The Speaker (Mr. Slade): Will you repeat your reply, because very few people could hear it.

Mr. Moss: I do not consider it is necessary to supply mosquito nets for patients in Kisii Hospital as it is not considered that the mosquito density there is a major problem.

Mr. Ngala-Abok: Mr. Speaker, Sir, having been working in Kisii Hospital for at least one year, and knowing the rate of deaths caused by malaria in Kisii Hospital, would the Assistant Minister tell us how many cases of malaria were diagnosed and treated over the last year in Kisii Hospital?

Mr. Moss: Mr. Speaker, Sir, regarding malaria, I would say that considerable malaria work has been carried out in and around Kisii Township, namely the clearing of bushes, control of market areas, and the treatment of mosquitoes has been carried out. Therefore, Mr. Speaker, Sir, regarding the question, we are very concerned with the prevention rather than the cure.

Mr. Ngala-Abok: To carry my question further, Mr. Speaker, Sir. The Assistant Minister stated that the malarial treatment is not a problem in this particular hospital and it is not justified because we generally like to see mosquito nets. Now the question was that I have more experience of how many cases suffer from malaria in that particular hospital.

Mr. Speaker, Sir, how many malaria cases were diagnosed from 1964 up to January, this year, and were treated in this hospital to make the House think that there is no case for this?

Mr. Moss: I consider this to be a different question.

Mr. Speaker (Mr. Slade): No, it is not a different question.

Mr. Khalif: Mr. Speaker, Sir, the Assistant Minister has told us point blank that the malaria cases in this hospital do not warrant mosquito nets to be provided.

Now my colleague, the hon. Mr. Ngala-Abok, has asked how many cases have been reported in the last year. Could we know whether that question has been answered or not?

The Speaker (Mr. Slade): Are you asking a question of the Minister or was your question of me? I have ruled that it is not a different question.

Do you want to pursue it?

Mr. Khalif: Mr. Speaker, Sir, I thought the Assistant Minister said it was a different question.

The Speaker (Mr. Slade): It is not a different question. Are you repeating Mr. Ngala-Abok's question?

Mr. Khalif: Yes, Sir. Would the Assistant Minister tell us how many cases of malaria have been nursed or reported in this hospital in the last year?

Mr. Agari: Arising from the Assistant Minister's reply that the number of mosquitoes is not warranting a supply of nets. If he learns from us that private houses use mosquito nets because there are so many mosquitoes now in Kisii, would he then reconsider and produce mosquito nets for the Kisii hospital immediately?

Mr. Ngala: The Assistant Minister having acknowledged that around Kisii there is the

[Mr. Ngala]

problem of mosquitoes and malarial treatment. Why then is it not necessary, in his view, that the patients should have mosquito nets?

Mr. Moss: Mr. Speaker, Sir, in reply to the question asked by the hon. Ngala. No Government hospitals are provided with these nets for anti-malarial use. A few hospitals are provided with nets for special use and also it has been reported by them that mosquito nets are sometimes dangerous. At the same time mosquito nets are very poisonous.

Mr. Anyleni: Mr. Speaker, Sir, is the Assistant Minister aware that Kisii District caters for the Kisii District and South Nyanza District and in South Nyanza District there are a lot of mosquitoes and as such there is a lot of malaria and all these patients who come to Kisii Hospital find a lot of mosquitoes and so they are infectious when they come to Kisii Hospital and when they find this to be the case, would the Minister recognize that he represents an elected Government and therefore would he consider the idea of introducing the nets into Kisii Hospital immediately?

Mr. Moss: Mr. Speaker, Sir, I will investigate further into this matter to find out full details.

Mr. Ngala: Mr. Speaker, Sir, on a point of order. In the process of the Assistant Minister's reply, he has suggested that mosquito nets are poisonous. This is contrary to the profession of his own Ministry. Could I ask him to withdraw that statement?

The Speaker (Mr. Slade): Order. I think the hon. Member is referring to the Standing Order which requires hon. Members to be responsible for the truth of what they say and which empowers other hon. Members to require them to substantiate what they say. I do not think really it extends to statements of opinion, and this is a statement of opinion which an hon. Member cannot substantiate or otherwise without a great deal of technical evidence which hon. Members would not understand; so I do not think it is a case for applying this standing order.

Mr. Abogoh: Mr. Speaker, Sir, I would like to know if it is very necessary for a Minister to stand up and give a reply to the House which is misleading and in that case could be useless to the questioner?

The Speaker (Mr. Slade): I do not think we can deal with this any more. On to the next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MOSQUITO NETS FOR KISII HOSPITAL

Mr. Makone: On a point of order, Mr. Speaker; Sir. In view of the unsatisfactory answer given by the Assistant Minister, I would like to raise the matter on the Adjournment on this question.

ORAL ANSWERS TO QUESTIONS

Question No. 796

BRITISH BROADCASTING CORPORATION MONITORING STATION AT KAREN

Mr. Balala asked the Minister for Information, Broadcasting and Tourism whether it was the intention of the Government that the British Broadcasting Corporation Monitoring Station in Karen should continue after Kenya had attained republican status.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I beg to reply. It is the intention of my Ministry to take over the Monitoring Station at Karen as soon as the necessary funds are available with which to buy out the British Broadcasting Corporation.

Mr. Speaker, Sir, it is my feeling, and I think it is the feeling which is shared by this House, that radio and all means of receiving information should not be in the hands of or under the control of foreigners in an independent country.

Mr. Balala: Would the Minister tell this House what services this unit renders to the country?

Mr. Achieng-Onoko: Mr. Speaker, Sir, I think I should give some background information which led to the formation of this station.

The history of the monitoring system by the B.B.C. began in 1936 when they started on external broadcasting; it was to find out what other countries were thinking about the United Kingdom. The United Kingdom Government thought that the service should be run by the B.B.C. and, as will be noticed here, the building at Karen was erected by a grant-in-aid by Her Majesty's Government and later handed to the B.B.C. with partial interests by the defunct K.B.C. The B.B.C. in this case works hand in hand with the British Government and therefore it is very difficult to draw a line between the B.B.C. and Her Majesty's Government.

Therefore, at the moment very little functions are given to the Kenya Government.

Mr. Somb: Arising from the Minister's original reply, could he tell us how long will his Ministry take to take over the Karen station?

[Mr. Anyieni]

on Uganda by planes, bombs and pilots supplied by the United States Government to the Tshombe Government. Recalls the repeated appeals made by the Organization of African Unity to the United States Government to stop the supply of armaments to the Tshombe Government. Calls upon the East African Governments to take immediate measure to co-ordinate their defence and security arrangements to meet the threat posed by continued United States intervention in the Congo which constitutes a threat to the security of the countries bordering on the Congo.

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

RULES TO IMPROVE COFFEE QUALITY

THAT this House is perturbed by the country-wide deterioration of coffee quality and calls upon the Minister for Agriculture and Animal Husbandry to introduce ways and means to stop loss of revenue from the most important cash crop to our people by enacting rules, by-laws and legislation to effect the proper maintenance of plantations, growing and processing of coffee.

DEATH OF FOUR HON. MEMBERS: REASONS

THAT this House notes with great indignation the deaths of four hon. Members during the past one and a half years and calls upon the Government to set up a Board of Inquiry taking into consideration the following points:

- (i) Social life of Members when attending meetings in Nairobi, regarding their diet and accommodation.
- (ii) Solvency of Members in Nairobi and at home.
- (iii) Comparative cost of living between Members and Ministers of this Government.

ORAL ANSWERS TO QUESTIONS

Question No. 743

OVERHEAD RAILWAY: KISUMU-BUSIA ROAD

Mr. Nyaliek asked the Minister for Works, Communications and Power what steps the Government envisaged taking to approach the appropriate authority to build an overhead railway line at Kisumu-Busia Road level crossing, to eliminate the frequent deaths caused by collisions at that spot.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply.

The question as it stands is not altogether clear since the Kisumu-Busia Road crosses the Kisumu-Butere railway line at several points. It can fairly accurately be assumed, however, that the reference is to the Mumias Road level crossing at the mile 1/1 on the Kisumu-Kisian section of the line.

The elimination of this crossing is a long-term project, so far as I am aware, which awaits the allocation of funds by the Kisumu Municipal Council. So far as the E.A.R. and H. Administration is concerned, plans for the realignment of the Butere Branch Line and provision of a rail over road bridge (in conjunction with the proposed realignment of the main road) have been accepted by the town planning adviser and incorporated in the Kisumu Development plan drawn up in 1961. I am also informed that it will take some years before the scheme by Kisumu Local Authority can be effected. Meanwhile, the planning committee of the Kisumu Municipal Council are studying the safety arrangements at this crossing with a view to the provision of more effective advance warning signs for the benefit of the road users.

Mr. Khalif: Mr. Speaker, Sir, is the Minister aware that so many deaths have been caused in Kenya by collisions because of the lack of overhead railway lines?

Mr. Mwanjumba: Mr. Speaker, Sir, I hope the Member is referring to this particular level crossing. I am only aware of one lorry which collided with a train sometime last year.

Mr. Balal: Mr. Speaker, Sir, could the Minister tell this House how many people died last year from accidents as a result of collisions in this particular place?

Mr. Mwanjumba: As far as I am aware, Mr. Speaker, the number is five.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Minister tell the House whether he is aware that lack of overhead railway lines at various key points in Kenya has caused a lot of deaths and that his Ministry must take steps to guard against possible future deaths?

The Speaker (Mr. Slade): This question refers to a particular point on the railway and the Minister has already answered that. I think we will go on.

Question No. 755

DEPARTMENT OF INTERNATIONAL AFFAIRS

Mr. Theuri asked the Minister for Education to inform the House when the Government was

[Mr. Theuri]

going to open a Department of International Affairs at University College of East Africa for the teaching of diplomacy in foreign affairs.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I beg to reply.

The University of East Africa conducts short courses on diplomacy at Makerere University College from time to time.

Courses on international affairs are run in the constituent colleges whenever the need arises. For instance recently there has been a course on international trade and aid in the University College, Nairobi, which some honourable Members of this House gave several addresses.

Various aspects of international affairs, however, fall within the scope of different subjects which are a part of the university curriculum such as economics, political science and history.

In opening of new departments in the university of East Africa priority is given to courses closely relevant to East Africa's manpower needs. At present it is felt that facilities which are already available in the university for the teaching of diplomacy are adequate.

Mr. Anyieni: Would the Minister tell this House whether the facilities he has already mentioned are sufficient for those who want to be career diplomats?

Mr. Koinange: I am not saying that they are sufficient because of the various needs that may arise from time to time in changing periods.

Mr. Anyieni: Would the Minister then inform this House whether there are any Kenya representatives overseas who are regarded as diplomats, and who have never undergone any such courses?

Mr. Koinange: Mr. Speaker, Sir, the questioner understands that Kenya started to govern itself recently, and we have not had the opportunity of educating our diplomats outside the country other than here. It is true that those who have gone overseas have taken a degree in international law and subjects of history, but they are not sent there deliberately for such, except in a very few cases.

Mr. Ngala: Mr. Speaker, Sir, arising from what the Minister has just said, could the Minister first tell us which colleges of East Africa are conducting foreign diplomacy courses, and how long are these courses, and what are the qualification for intake?

Mr. Koinange: I have just said that the subjects have been opened from time to time by the East African Universities, and I referred to recent courses taken in Nairobi which some of the Members took part in.

Mr. Ngala: Following up on the answer of the Minister, Sir, is the Minister aware that these courses are cultural courses and do not provide for any diploma or any serious study on international affairs?

Mr. Koinange: I have pointed out, Mr. Speaker, that they come according to the need when that need arises.

Mr. Mbogoh: Mr. Speaker, Sir, does the Minister find it very convenient to train a diplomat in America and send him to Russia?

Mr. Koinange: I did not hear the question.

The Speaker (Mr. Slade): Will you repeat your question?

Mr. Mbogoh: I wanted to know from the Minister whether he finds it very convenient to train a diplomat in the United States of America and send him on a diplomatic mission to China or the U.S.S.R. or somewhere like that?

Mr. Koinange: Mr. Speaker, Sir, the question of education is not the monopoly of any one country. It is international, and a diplomat does not have to be trained either in the United States of America or Russia or vice versa.

Any education in East Africa or overseas could be used. It is not the monopoly of any one country.

Mr. Malinda: Mr. Speaker, Sir, arising out of the Minister's earlier reply, where he said that these courses are run having regard to the manpower needs of East Africa, can he tell this House whether he is satisfied that the manpower need for diplomats is being satisfactorily catered for?

Mr. Koinange: Mr. Speaker, Sir, if the need is considered satisfactory then we will close the gates of the university, but the changes come and the need will continue, and that is why the university has places for training that are kept open.

Mr. Muliro: Arising from the Minister's reply, would the Minister consider establishing a Chair for international affairs or diplomacy at the University of East Africa?

Mr. Koinange: Mr. Speaker, that is actually one of the objectives of the university, not in

15 Papers Laid

PAPERS LAID

The following Papers were laid on the Table:

Sessional Paper No. 8 of 1965 on Amendments to Standing Orders.

Annual Report for the East African Income Tax Department.

(By the Vice-President (Mr. Odinga))

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

The Speaker (Mr. Slaude): Order, order. Hon. Members, His Excellency, the President, would now like to take his leave.

(Hon. Members rose in their places while His Excellency the President, left the Chamber.)

PAPERS LAID

The East African Currency Board, Report for the year ended 30th June 1964.

The Cereals and Sugar Finance Corporation, Balance Sheet and Accounts, 30th June 1964

The Customs Tgriff (Remission) (No. 14) Order 1964.

The Exchange Control (Definition of Scheduled Territories) (Amendment) (No. 2) Order, 1964.

The Estate Duty (Valuation Appeals Tribunal) (Procedure) Rules, 1964.

The Price Control (Kericho District) Order, 1964.

Supplementary Estimate No. 3 of 1964/65—Recurrent Expenditure Development and Supplementary Estimate No. 1 of 1964/65.

(By the Minister for Finance (Mr. Gichuru))

The Kenya Education Commission Report, Part One.

(By the Minister for Education (Mr. Koinange))

Nairobi Airport Annual Report 1963.

The Air Services Agreement between Kenya and France.

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

The Public Trustee (Amendment) Rules 1964.

(By the Attorney-General (Mr. Njanjo))

The Mombasa Pipeline Board, Report and Accounts for financial year ending 30th June 1963.

(By the Minister for Natural Resources (Mr. Ayodo))

The Coffee Marketing Board of Kenya Annual Report and Accounts for the period ended 30th September 1964.

The Kenya Tea Development Authority, Annual Report and Accounts.

(By the Minister for Finance (Mr. Gichuru) on behalf of the Minister for Agriculture and Husbandry (Mr. McKenzie))

Probation Service Annual Report 1963.

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

NOTICES OF MOTIONS

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

APPOINTMENTS TO THE SESSIONAL COMMITTEE

THAT this House nominates the following Members to be Members of the Sessional Committee to replace those nominated to the Committee on 27th February 1964:

The Vice-President (Chairman).

The Minister for External Affairs.

The Minister for Economic Planning and Development.

The Minister for Internal Security and Defence.

The Minister for Local Government.

The Minister for Information, Broadcasting and Tourism.

The Minister for Home Affairs.

The Minister for Co-operatives and Marketing.

The hon. F. R. S. De Souza (Deputy-Speaker).

The hon. Z. M. Anyieni.

The hon. B. Kaggia.

The hon. J. D. Kali.

The hon. M. Kibaki.

The hon. M. Muliro.

The hon. J. K. Ndiye.

The hon. R. G. Ngala.

The hon. J. I. M. Nyagab.

The hon. T. Okelo-Odongo.

The hon. J. C. N. Osogo.

The hon. A. J. Pandya.

The hon. J. M. Shikuku.

The hon. J. K. ole Tipis.

SESSIONAL PAPER NO. 8: AMENDMENTS TO STANDING ORDERS

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

THAT this House makes the amendments to the Standing Orders of the House of Representatives set out in Sessional Paper No. 8 of 1965:

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

SUPPLEMENTARY ESTIMATE NO. 3 OF 1964/65—RECURRENT

THAT a sum not exceeding £4,900,002 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Supplementary Estimate No. 3 of 1964/65 (Recurrent).

SUPPLEMENTARY ESTIMATE NO. 1 OF 1964/65—DEVELOPMENT

THAT a sum not exceeding £1,289,817 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1965, in respect of Development Supplementary Estimate No. 1 of 1964/65.

The President's consent has been signified to these Motions.

AMENDMENTS TO THE EAST AFRICAN INDUSTRIAL LICENSING ACT

The Minister for Commerce and Industry (Dr. Kisano): Mr. Speaker, Sir, as a result of the various trade agreements of the three East African Governments, I beg to give notice of the following rather lengthy Motion. I hope the House will bear with me.

THAT in accordance with the provisions of section 5 (2) of the East African Industrial Licensing Act this House consents to the following amendments to the First Schedule to the said Act—

(a) by substituting for the words "Cotton Yarn" which appear therein under the heading "Class of Product" the words "Yarn spun from cotton or synthetic fibres";

(b) by substituting for the words "Fabric spun or woven from soft fibres other than fibres of animal origin or derived from cotton or flax" which appear therein under the heading "Class of Product" the words "Woven or warped-knitted fabrics"; and

(c) by adding at the end thereof under their respective headings the date and items as follows—

Applicable Date	Class of Product
17th February 1965— that is tomorrow.	Incandescent filament electric light lamps. Aluminium foil, circles and plain sheet. Pneumatic tyres and tubes for vehicles, excluding treads and recesses. Wireless receiving sets and components thereof. Nitrogenous fertilizers. All parts of bicycles. Fish nets.

NON-ALIGNMENT AND AFRICAN SOCIALISM: GOVERNMENT STATEMENT

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

THAT, in view of the recent statement given by some hon. Members in a public meeting in Kisumu, this House urges the Government to make a statement clarifying its stand on Non-alignment Policy and definition of African Socialism.

DEVELOPMENT PLANS FOR NORTH-EASTERN REGION

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

THAT, in view of the fact that the North-Eastern Region has been neglected politically, socially and economically, this House urges the Government to reconsider its development plans as far as the North-Eastern Region is concerned.

EAST AFRICAN COMMON SERVICES ORGANIZATION EXTENSION OF SERVICES

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

THAT, in view of the need for closer association between the three East African States—Tanzania, Kenya and Uganda—this House calls upon the Kenya Government to initiate and pursue negotiations on the steps to bring more services under the East African Common Services Organization.

CO-ORDINATED DEFENCE POLICIES OF EAST AFRICAN TERRITORIES

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

THAT this House notes with deep indignation the unwarranted and unprovoked aerial attack

Tuesday, 16th February 1965

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:—

Alexander Kiplangat arap Biy

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

(The Speaker announced the arrival of His Excellency the President, the Honourable Mzee Jomo Kenyatta, M.P.)

(The House rose while His Excellency the President took his seat in the Presidential Chair.)

COMMUNICATIONS FROM THE CHAIR

OBITUARIES

The Speaker (Mr. Slade): Honourable Members, since our last sitting, this House has suffered the loss, by premature and tragic death of two of its Members, our colleagues and friends; and the whole world has suffered the loss, though by death at great age, of one of the greatest men of history.

Simon Kamunde, Member for Meru Central, and his wife, were killed in a motor accident on 27th December 1964. Mr. Kamunde was a man whom we all respected for his ability and dedication in many capacities; as Parliamentary Secretary for Justice and Constitutional Affairs, Assistant Minister for Information, Broadcasting and Tourism, Member of the Coffee Board of Kenya, and Member of this House. We expected great things of him in service to our country during many years to come; and the loss of such a man, at such an early age, is something that this House and Kenya can ill afford. We also, who knew him personally, mourn the loss of a good friend. Our deep sympathy goes out to his orphaned children, and to all surviving members of his family.

Thomas Masaki Mongare, Member for North Mugirango, was killed in a motor accident on 19th January 1965. Mr. Mongare, who also was too young to die, will be remembered for his brave, enthusiastic and generous personality. He was a man of many virtues, who was maturing fast, and would have made a great contribution to the deliberations of this House and to the welfare of his constituents and country, had he been

allowed to live. Here again, we have lost prematurely a friend and patriot whom we and Kenya could ill afford to lose; and to his widow and family also we extend our deep sympathy.

Sir Winston Spencer Churchill, inspired leader of the British people, died, full of years and honour, on 24th January 1965. Tribute to him on behalf of our nation has already been paid by our President, our Vice-President, our Minister for Finance, and other representatives. I cannot improve upon their words of praise. Only I would recall that, in his greatness, Winston Churchill remained ever a staunch champion of Parliament. He loved and revered Parliament, he knew how to use Parliament, for advice as well as for support; he enhanced the dignity and vigour of Parliament by his superb rhetoric and matchless humour; and, in the grateful affection which came back to him from all Members, whatever their party, he reaped the reward of a great parliamentarian—one of the greatest that the world has known.

On 25th January 1965, the day when the House of Commons met to honour his memory, the Speaker of the Senate and I sent to the Speaker of the House of Commons the following cable:—

"Speakers of Senate and House of Representatives on behalf of all Members of National Assembly of Kenya honour memory of Sir Winston Churchill inspired leader and great parliamentarian. Please convey our sympathy to all Members and to Lady Churchill and family.

Chokwe and Slade."

to which we received, within two days, the following cabled reply:—

"The House of Commons is deeply grateful for your expression of sympathy on behalf of the National Assembly of Kenya in the loss we have suffered by the death of Sir Winston Churchill stop. Your words will stand permanently recorded in the official report of the House.

Harry Hylton-Foster, Speaker."

Let us now stand in silence for one minute, to honour the memory of these three men.

(Hon. Members stood in silence for one minute)

ASSENT TO ACTS

The Speaker (Mr. Slade): Hon. Members, we have rather a long list of Acts which have been enacted and were assented to by His Excellency the Governor-General before Republic. I ask your patience while I read them. Perhaps hon. Members can see that he is present with us today.

[The Speaker]

His Excellency the Governor-General has assented to the following Bills which were passed by the National Assembly during September, October, November and December 1964.

Passed Third Reading House of Representatives		Senate		Date of Assent		
No.	Title	No.	Title	Passed Third Reading House of Representatives	Senate	Date of Assent
15.	The Finance Act, 1964	2-9-64	30-9-64	19-10-64		
16.	The Trade Unions (Amendment) Act, 1964	16-9-64	6-10-64	19-10-64		
17.	The Widows' and Orphans' Pensions (Amendment) Act, 1964	23-9-64	6-10-64	19-10-64		
18.	The Asian Officers' Family Pensions (Amendment) Act, 1964	9-9-64	6-10-64	19-10-64		
19.	The Statute Law (Miscellaneous Amendments) Act, 1964	23-9-64	9-10-64	29-10-64		
20.	The Rating Act, 1964	9-9-64	9-10-64	6-11-64		
21.	The Water (Amendment) Act, 1964	30-9-64	13-10-64	6-11-64		
22.	The Loans (United Kingdom Government) (No. 3) Act, 1964	7-10-64	15-10-64	6-11-64		
23.	The External Loans (Credit Purchases) Act, 1964	7-10-64	16-10-64	6-11-64		
24.	The Central Road Authority Act, 1964	12-8-64	1-9-64	6-11-64		
25.	The Appropriation Act, 1964	23-10-64	27-10-64	6-11-64		
26.	The Referendum (Amendment of the Constitution) Act, 1964	22-10-64	29-10-64	23-11-64		
27.	The Cotton, Lint and Seed Marketing (Amendment) Act, 1964	21-10-64	27-10-64	23-11-64		
28.	The Constitution of Kenya (Amendment) Act, 1964	3-11-64	10-11-64	23-11-64		
29.	The Supplementary Appropriation (No. 3) Act, 1964	30-10-64	13-11-64	23-11-64		
30.	The Branding of Stock (Amendment) Act, 1964	4-11-64	24-11-64	11-12-64		
31.	The Veterinary Surgeons (Amendment) Act, 1964	4-11-64	24-11-64	11-12-64		
32.	The National Flag, Emblems and Names (Amendment) Act, 1964	10-11-64	24-11-64	11-12-64		
33.	The Export Duty Act, 1964	2-9-64	30-9-64	11-12-64		
34.	The Public Holidays (Amendment) Act, 1964	4-11-64	2-12-64	11-12-64		
35.	The Foreign Investments Protection Act, 1964	10-11-64	3-12-64	11-12-64		
36.	The Detention Camps (Amendment) Act, 1964	11-11-64	3-12-64	11-12-64		
37.	The Penal Code (Amendment) Act, 1964	30-9-64	13-10-64	11-12-64		
38.	The Constitution of Kenya (Amendment) (No. 2) Act, 1964	1-12-64	9-12-64	11-12-64		

SENATE MESSAGES ON BILLS

I have a further Communication; not quite such a long one.

With reference to various Bills which have been referred to the Senate, the Senate agreed on the 2nd December 1964 to the Public Holidays (Amendment) Bill 1964 without amendment and to the amendment of the Penal Code (Amendment) Bill 1964.

Also, on the 3rd December 1964 the Senate agreed to the Foreign Investments Protection Bill and the Detention Camps (Amendment) Bill without amendment.

On the 9th December 1964 the Senate agreed to the Constitution of Kenya (Amendment) (No. 2) Bill without amendment.

As regards the Motor Vehicles Components and Accessories Bill, the Senate returns the original corrected copy of the Bill with a copy of the Votes and Proceedings dated the 3rd December 1964 indicating the amendments made thereto and desires the concurrence of the House of Representatives to the amendments agreed to by the Senate.

As regards the Animal Diseases Bill the Senate returned the original corrected of the said Bill and a copy of the Votes and Proceedings dated the 9th December 1964 indicating the amendment made thereto and desires the concurrence of the House of Representatives to the amendment agreed to by the Senate.

[His Excellency the President]

Our Government continues to stand firmly for unity and freedom within our nation. Freedom of expression is guaranteed in our Constitution, including freedom of the Press. But in the enjoyment of this freedom we shall continue to require awareness of the responsibilities and duties which this nation and its people. The Government has taken steps to develop our own Press, radio, television and news services. This will greatly help us in promoting unity in the country and also projecting our image abroad.

During our first year of independence we have established friendship with many nations. I would like to take this opportunity to thank all those nations whose friendly and active co-operation we have enjoyed in this past year. But while we express appreciation for their assistance and co-operation and the hope that this co-operation will continue, I am bound to reiterate that the success in building a Kenya nation lies entirely in the hands and sweat of the Kenya people in the spirit of *haranhee*.

Many advantages to the East African countries have accrued from working together within the framework of the Common Services Organization. We shall continue to work closely with our neighbours in East Africa, in order to retain and expand the benefits of mutual planning and economic endeavour.

The Republic of Kenya will subscribe faithfully to the Charter of the Organization of African Unity. We shall continue to work for the solution of African problems by the Africans themselves, and to achieve a continent marked by brotherhood and understanding between states.

In foreign affairs, the Republic of Kenya will steadfastly adhere to the policy of positive non-alignment.

We shall not be aligned with any ideological group or power bloc. We shall not permit interference in our affairs from the East or the West. But by philosophy and practical example, in normal diplomatic exchanges, and within the Commonwealth, and through the United Nations, Kenya will seek to contribute to world peace and a new economic order for mankind.

Our Republic has come into being at a moment when the dying colonialism has brought into vivid focus the economic and social injustices of half a century. The world now is experiencing the shock waves of change. Men are rising from the bondage of domination and frustration to demand their rightful places and their rightful shares in the pattern of human society.

This is not a moment for Kenya to be bitter, or to seek retaliation or revenge. The role of our Republic must be to make a contribution, and to build, so that out of the ashes of discredit, and the larceny of human souls, we may fashion for our children and those of other nations a world that enshrines what is right.

Let us march forward in the spirit of *haranbee*. Long live the Republic of Kenya.

Iwana Spika mimi nataka kusema maneno kidogo kwa Kiswahili, kwa sababu mimi natamani kwamba wakati si mrefu katika Nyumba hii yetu tutaweza kuzungumza Kiswahili ambacho ni lugha yetu. Maana yangu kusema namna hii; nakama ningekuwa nikisimama ningeweza kusema sawa sawa.

Sasa tukwa tuna Uhuru wetu kemili itakuwa tunajitika katika utumwa wa lugha za kigeni katika mashauri yetu yote na kwa hivyo ndugu zangu mimi nilitaka kusema hivyo maana kila kitu kind mwanzo wake. Kama mimi nikitoka hapa bila kusema Kiswahili nitasika moyo wangu simkunjufu hata kidogo. Kwa hivyo ndugu zangu, mimi nawaombeni sana maana sasa tunaingia katika haali nyingine, hasa Mema waliopo hapa nataka kusema maneno mawili au matatu. Nyumba hii iwe ni Nyumba ya kujadiliana si Nyumba ya kupayapaya au kupayukapayuka maana kama sisi tunakuja hapa tukijisifu, ahi mimi leo nitakwenda fulani ataniona leo. Fulani akita Swali lake, fulani akileta Bill yake ataniona leo. Hii si kujenga taifa. Kujenga taifa ni kujadiliana ukiwa una neno la muhimu lilete katika Nyumba hii. Hapa si katika "political platform". Mimi najua sisi sote twajua vile tunavyosema huko nje. Tukisema wewe hivi, au wewe vile tuna slogan nyingi. Hapa itakuwa ni Nyumba ya kuzungumza, na kujadiliana mambo ambayo ni ya muhimu ya kujenga nchi yetu.

Mema wa "Parliament", mimi nawapa maneno yangu kama hii, nyinyi muwe ni mfano, muwe ni kioo cha kuangalia. Nchi yetu ikiwa angalia lue huu ndio mfano mimi ninataka kutuata si kuja hapa na kulewa, wengi wenu masema, wacha, mimi nikifika pale "Parliament" nitapiga pegi mbili tatu nne basi, mimi nitakuwa taifu fulani ataniona. Ngingependa hii iwe ni Nyumba takatifu. Tuwe tukija hapa tukwa tunajua tunajenga taifa. Na Mema wa "Parliament" wastumie wakati wao katika Nairobi. Tukisha fungu Nyumba hii, kila mtu aende nyumbani kwake, akafanye kitendo na watu ambao anavyo-akilisha wakiona vile veye anavyofanya katika nyumba yake watafuta mfano huo. Lakini ikiwa wewe kazi ya "Parliament" ikiisha unataka kulala Nairobi, unataka kutembea utakuwa mtu wa kusurururura kama wale wengine, u-M.P.

[His Excellency the President]

wako utakuwa hauna faida hata kidogo. Mimi hamuwezi hujambia, ahi! ona Kenyatta, unasema maneno haya, na wewe unasurururura Nairobi? Mimi nikitoka Ofisi yangu huuyo . . . wapi, Gaunduu. Maana mimi nataka watu ambao ninawakilisha wakija kwangu wajue kweli . . . ahi! ona Mzee anafanya hii na mimi nitakwenda fanya zaidi ya hivyo.

Na hili ndilo neno nilikuwa nikitaka kusema adugu zangu. Sababu ni lazima sisi tuweke mfano. "A good example." Mtu akikuona pale atajua yule ni M.P. Lakini kama mtu akikuona kule hujui kama wewe ni mkora, au ni nani, si itakuwa ni maneno mbabaya namna hivyo. Sisi ni lazima tuwe "discipline" kwetu tuwe tukijua nchi yetu iko na million nafikiri tisa, wote wanatungalia wanasema wale wanakwenda kufanya vitendo, lakini kama wanaona sisi tunasurururura, hivi haitakuwa vizuri ndugu zangu. Hii ataniona ni vizuri niwambie leo. Kutoka leo kila M.P. na kila "Senator": ajulize, mimi nimefanya

kitu gani kuonyesha mfano mzuri wa kuwakilisha wengine? Na ndugu zangu, maana kuna mipango iliyopangwa kwa masaa tutapata wakati mwingine kuzungumza pamoja sote tukijua ndugu zetu wanatungojea kule nje tuwaonyeshe njia, na tuwaonyeshe njia nzuri. Kwa hivyo Mabwana Spika mtanivhi radhi maana mimi nimetoka hii hotuba kidogo na haikuwako ndani ya "programme".

Hasante sana.

ADJOURNMENT**SINE DIE**

The Speaker of the Senate (Mr. Chokwe): It is now His Excellency's pleasure to take his leave. The Senate is adjourned *sine die*.

The Speaker of the House of Representatives (Mr. Slade): The House of Representatives is adjourned *sine die*.

The National Assembly rose at twenty-five minutes past Ten o'clock.

[The Speaker of the House of Representatives] deliver to us the Maces which will symbolize the Constitutional authority derived by the Senate and the House of Representatives respectively from the Republic of Kenya.

(The House of Representatives Mace was held up)

His Excellency the President (The hon. Mr. Kenyatta): Mr. Speaker, this Mace, which formerly was held by the House of Representatives as a symbol of authority from Her Majesty the Queen of Great Britain and Northern Ireland, and which on the occasion of Kenya becoming a Republic you have surrendered to me, I now deliver to you, to be held by the House of Representatives henceforth as the symbol of your authority under the Republican Constitution of Kenya.

(The A.D.C. handed the Mace to His Excellency, The President, who handed it to the Speaker of the House of Representatives)

The Speaker of the House of Representatives (Mr. Slade): Your Excellency, on behalf of the House of Representatives of Kenya, I thank you for this gracious act and I confirm that the House of Representatives will henceforth hold this Mace as the symbol of its Constitutional authority and as a constant reminder of our obligations towards the Republic and people of Kenya.

(The Speaker of the House of Representatives handed the Mace to the Sergeant-at-Arms)

(Both Sergeants-at-Arms then proceeded down either side of the Table and laid the Maces on Table)

PRESIDENTIAL ADDRESS

His Excellency the President (The hon. Mr. Kenyatta): Mr. Speaker of the Senate, Mr. Speaker of the House of Representatives, hon. Members of the National Assembly.

This Parliament gives form and expression to the heart and mind of Kenya's people. My first duty, therefore, is to advise this House that the Republic of Kenya has been inaugurated in accordance with our Constitution.

I have also to report that I am empowered and bound to address you today as President of the Kenya Republic.

This is a very significant day in the history of our country. The people of Kenya have been holding celebrations and attending ceremonies to mark the birth of the Republic. The opening of this Parliament signifies that this birth has been certified by representatives of the people.

My presence here as Head of State symbolizes the departure from Kenya of the first and last holder of the office of Governor-General. The work and personality of the Right Honourable Malcolm MacDonald have drawn from hon. Members sentiments of tribute and regard.

But I am sure the House would wish now to join in expression of thanks for the unifying effort, the wise counsel and the spirit of friendship which so distinguished his association with the Government and people of Kenya. We owe much to a man who arrived as a Colonial Governor, but who departed as a steadfast friend of the Kenya nation.

The second attendant event is the formation of a new Government. This Government will serve as the vanguard of the people, united now in the resolve for the continuing battle against poverty, illiteracy and social injustice.

The Constitution under which this Republic has been created, included provisions to make the powers of scrutiny and sanction and all the rights and duties of the Kenya Parliament, the supreme instrument of the State.

The Constitution has provided, as a matter of vital consequence, that the Head of State should also be the Head of Government. In addressing this Parliament, therefore, I am addressing an institution of which I am also a part. The whole apparatus of the State becomes personified when I step down to join you. This process of so stepping down is not only a valuable personal right, but also a significant Presidential obligation.

What this House must contribute to the Republic is something far more than just machinery which can give the plans or requirements of the Government their lawful status. This must be our forum, for discussion and proposal, for question, objection or advice. It must give full modern expression to the traditional African custom, by serving as the place where the elders and the spokesmen of the people are expected and enabled to confer.

To carry out this task requires the discipline that is normally described as the dignity of Parliament. And while we will be giving further thought to the symbols and the procedures of this House, a foundation of dignity is something we will always preserve.

Let me emphasize to the Members of this House that theirs is a two-way obligation; to represent fairly to the Government the views of their constituents and then to interpret fairly to their people the policies and decisions of the Government.

[His Excellency the President]

Members of Parliament must serve as a bridge between Government and people. They stand astride the national stream of activity and thought. Unless this bridge is well maintained, the national well-being suffers, through lack of access to, or lack of contribution from, some portion of our land.

The Republic demands from every Member an absolute loyalty, to the House, to the Party and to the country. It happens in many young countries that Members of Parliament may become the target of some foreign government or some subversive institution. Forces may become unleashed, spurred on by external pressures.

I must make it very clear that the Government of Kenya will meet any threat of subversion with the fullest rigour of the law. But I feel confident that each Member of this House will act as a guardian of our national integrity and will assist the Government in stamping out any such threat.

There is yet a further way in which hon. Members may greatly assist with nation building. In political and economic contexts, we have already recorded significant achievements. It may fairly be stated that, at the end of the first year of independence, Kenya has acquired a national maturity. But now, onto this foundation, we need to erect greater human respect.

I have spoken elsewhere of moral integrity and do not wish now to labour this point. But each of you will know of instances of exploitation within our society, or lack of compassion, or denial to a man of respect for what he is and how he strives.

Crime is one affront to our society, rooted as it is in jealousy or brutality or greed. Corruption is an evil, which we must never invite or condone.

But so too are many matters that are technically within the law: the overcharging of a man who needs some food or service, but who, through ignorance, cannot tell the proper cost; or the public operation, for a profit, of vehicles so dangerous that they really should be scrapped; or the offer of starvation wages to a man who must work or else starve.

So many practices, criminal or evilly-designed, can increase for our people the burden of poverty or hazard or despair. These must be eradicated. We must work together here, for the creation of a new social conscience. Let the Republic be rooted in human respect.

The forthcoming programme of the Government will be submitted to the House, through the

publication and representation of Bills. I do not propose today to embark on a catalogue of pending measures, or to stipulate priorities.

My association with this House, in the Constitutional manner that we have designed, will ensure that a legislative structure emerges from the functioning of Government and Parliament, working as a team.

The overall intention of the Government is to move further towards African socialism, by placing fuller emphasis on those duties and social obligations which reflect effective pulling together of the State and the community—so that all our energies may be harnessed to the purpose of evolving here a welfare state.

To achieve this aim will require the full co-operation of all citizens and other residents of Kenya. It will require the maximum and deliberate exploitation of all our resources both human and material.

The Government is urgently aware of the need to speed up the educational advance and training of our people, including the need to improve health facilities.

Already steps have been taken to carry through a rapid programme of Africanization and to help our own farmers and businessmen to participate more effectively in the economic life of our country. I must express my satisfaction with the young Kenyans who have recently had to take over senior responsibilities in the public service of our country.

Our policy of "return to the land" is the awareness that our economy is founded on the land its use and its resources. We are also lucky to have so much that we can offer to world tourists. All these areas will receive special attention and will be the subject of discussion and debate in our Parliament.

I need not stress the important role which must be played by the workers and youths of Kenya in this task of nation-building. They have been in the vanguard in our struggle for independence and we shall rely upon their energy and enthusiasm in the future.

But I should also like to make reference to the work being done in expanding, training, modernizing and equipping our armed forces. I am glad to be able to say that our Army and Police have already given a good account of themselves in the North-Eastern Region and in the all-important task of preserving law and order in Kenya. Our new Air Force is already moving to operational shape and the inauguration of our Navy completes our service trinity this month.



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

HOUSE OF REPRESENTATIVES AND SENATE

First Parliament—Second Session—(Contd.)

(First Parliament established by the Kenya Independence Order in Council, 1963)

Monday, 14th December 1964

Hon. Members of the National Assembly met in Parliament Buildings, Nairobi, on Monday, the 14th December 1964, at thirty minutes past nine o'clock, being the First Sitting of the National Assembly established under the Republic Constitution of Kenya, 1964.

The Right Honourable, His Excellency the President was escorted in procession to the Chair, attended by the hon. Speaker of the Senate and the hon. Speaker of the House of Representatives.

[The Right Honourable, the President, took the Chair]

PRAYERS

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

WELCOME TO THE PRESIDENT

The Speaker of the Senate (Mr. Chokwe): Your Excellency, hon. Senators and Members, we welcome the President of the Republic of Kenya on this momentous occasion, which is our first sitting since Kenya became a Republic and his first attendance as our President.

DELIVERY OF THE MACES

The Speaker of the Senate (Mr. Chokwe): Now, on behalf of both Houses of our National Assembly, I humbly request him to deliver to us

the Maces which will symbolize the Constitutional authority derived by the Senate and the House of Representatives respectively from the Republic of Kenya.

(The Senate Mace was held up)

His Excellency the President (The hon. Mr. Kenyatta): Mr. Speaker, this Mace, which formerly was held by the Senate of Kenya as a symbol of authority from Her Majesty the Queen of Great Britain and Northern Ireland, and which on the occasion of Kenya becoming a Republic you have surrendered to me, I now deliver to you, to be held by the Senate henceforth as the symbol of your authority under the Republic Constitution of Kenya.

(The A.D.C. handed the Mace to His Excellency. The President, who handed it to the Speaker of the Senate)

The Speaker of the Senate (Mr. Chokwe): Your Excellency, on behalf of the Senate of Kenya, I thank you for this gracious act; and I confirm that the Senate will henceforth hold this Mace as the symbol of its Constitutional authority and as a constant reminder of our obligations towards the Republic and people of Kenya.

(The Speaker of the Senate handed the Mace to the Assistant Serjeant-at-Arms)

The Speaker of the House of Representatives (Mr. Slade): On behalf of both Houses of our National Assembly, I humbly request you to

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

103. RURUMBAN, THE HON. P. L., M.P., Korosi.
104. §SAGIN, THE HON. L. G., M.P., Kituu West.
105. SERONEY, THE HON. M. J., M.P., Nandi North.
106. SHUKUKU, THE HON. J. M., M.P., Butefe.
107. SOL, THE HON. A. K. ARAP, M.P., Bomet.
108. SOMO, THE HON. A., M.P., Lamu.
109. TANUI, THE HON. J. K. A. ARAP, M.P., Baringo South.
110. THEURI, THE HON. J. K., M.P., Nyeri.
111. TIPIS, THE HON. J. K. OLE, M.P., Narok East.
112. TOG, THE HON. V. K. ARAP, M.P., Marakwet.
113. TUVA, THE HON. F. L., M.P., Malindi.
114. TUNVEI, THE HON. J. K., M.P., Uasin-Gishu.
115. †WAIYAKI, THE HON. DR. F. L. M., M.P., Nairobi North-East.
116. WAMUTHENYA, THE HON. A. K., M.P., Mathira.
117. WARITHU, THE HON. H. C. M.P., Othaya-South Tetu.

Specially Elected Members:

1. ALEXANDER, THE HON. R. S., M.P.,
P.O. Box 2437, Nairobi.
2. BALALA, THE HON. S. M., M.P.,
P.O. Box 11222, Mombasa.
3. †BONETT, THE HON. E. K. K. ARAP, M.P.,
P.O. Box 20, Eldama Ravine.
4. CHIRCHIR, THE HON. W. K. ARAP, M.P.,
P.O. Box 1842, Nairobi.
5. JAHAZI, THE HON. M., M.P.,
P.O. Box 11222, Mombasa.
6. KOMORA, THE HON. J. G., M.P.,
P.O. Box 2672, Mombasa.
7. MALINDI, THE HON. T. N., M.P.,
P.O. Box 147, Machakos.
8. §MCKENZIE, THE HON. B. R., D.S.O., D.F.C., M.P.,
P.O. Box 373, Nakuru.
9. †MOWAMED, THE HON. I., M.P.,
P.O. Box 4590, Nairobi.
10. OCHIWADA, THE HON. A. A., M.P.,
P.O. Box 1842, Nairobi.
11. SADALLA, THE HON. S. K. ARAP KOECH, M.P.,
c/o A.D.C. Baringo, P.O. Eldama Ravine.
- (4) 12. TIALAL, THE HON. M. C. M. OLE, M.P.,
P.O. Box 28, Nakuru.

Total: Ex Officio	1
Electd Members	117
Specially Elected Members	12
	130

LIST OF MEMBERS—(Contd.)

The Speaker:

THE HON. HUMPHREY SLADE, M.P.

The Deputy Speaker and Chairman of Committees:

THE HON. DR. F. R. S. DE SOUZA, PH.D., M.P.

Acting Clerk of the House of Representatives:

MR. C. R. COELHO

Clerk Assistant:

MR. J. G. KIMANI

Acting Serjeant-at-Arms:

MR. J. O. RAMDAYA

Assistant Serjeant-at-Arms:

MR. E. O. OLUOCHI

Speaker's Secretary:

MRS. J. FRYER

Hansard Editor:

MRS. J. D. RAW

Hansard Staff:

MISS S. G. FROST
MISS M. Z. FONSECA, MISS R. A. KING, MISS D. M. KING, MISS D. A. PORTER,
MRS. M. H. GORDON, MRS. B. D. KALOKI

* His Excellency the President.

† The Vice-President.

‡ The Deputy Speaker and Chairman of Committees.

§ Already included in the list of Ministers.

¶ Already included in the list of Assistant Ministers.

‡ Note new Government appointed on 14th December 1964.

(1) With effect from 22nd December 1964, vice Mr. T. Towett resigned on 12th November 1964.

(2) With effect from 13th March 1965, vice Mr. Kamunde deceased on 27th December 1964.

(3) With effect from 22nd March 1965, vice Mr. Mongare deceased on 19th January 1965.

(4) With effect from 2nd April 1965, vice Mr. Pinto murdered on 24th February 1965.

LIST OF MEMBERS—(Contd.)

Assistant Ministers—(Contd.)

MINISTRY OF LOCAL GOVERNMENT (The Hon. K. K. Njiri, M.P.).
 MINISTRY OF COMMERCE AND INDUSTRY (The Hon. S. S. Oloitipitip, M.P.).
 MINISTRY OF WORKS, COMMUNICATIONS AND POWER (The Hon. E. K. K. Bomett, M.P., and the Hon. G. Godana, M.P.).
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 MINISTRY OF INFORMATION BROADCASTING AND TOURISM (The Hon. H. J. Onamu, M.P., and The Hon. J. Njeru, M.P., with effect from 1st January 1965).
 MINISTRY OF LANDS AND SETTLEMENT (The Hon. J. M. Gachago, M.P.).
 MINISTRY OF NATURAL RESOURCES AND WILDLIFE (The Hon. Jan Mohamed, M.P.).
 MINISTRY OF HOME AFFAIRS (The Hon. J. J. M. Nyagah, M.P.).

Constituency Members:

1. ABDI-RAHMAN, THE HON. O. M., M.P., Garissa North.
2. SACHIANO-ONEKO, THE HON. R. M.P., Nakuru Town.
3. AQAR, THE HON. E. O., M.P., Karachuonyo.
4. AMIN, THE HON. S. M., M.P., Mandera.
5. ANGOINE, THE HON. J. H., M.P., Meru West.
6. ANYENI, THE HON. Z. M., M.P., Turkana North.
7. AREMAN, THE HON. P. A., M.P., Turkana North.
8. BAWINGS-KODIEK, THE HON. C. M. G., M.P., Gem.
9. BAYO, THE HON. S. O., M.P., Kasipul-Kabondo.
10. BBUU, THE HON. M., M.P., Mombasa Mainland.
11. BALA, THE HON. O., M.P., Nyando.
12. BUNASA, THE HON. M., M.P., Elgon-East.
- (1) 13. BU, THE HON. A. K. ARAP, M.P., Buret.
14. BONYA, THE HON. A. W., M.P., Isiolo.
15. CHOGIE, THE HON. S. K. ARAP, M.P., Nandi South.
16. DE SOUZA, THE HON. DR. F. R. S. PILD., M.P., Nairobi North-West.
17. DINGIRIA, THE HON. A. H., M.P., Taveta Voi.
18. EKITELLA, THE HON. G. K., M.P., Turkana South.
19. GACHAGO, THE HON. J. M., M.P., Kibaru.
20. GACIATTA, THE HON. A. L., M.P., Nyambene South.
21. GATOGUTA, THE HON. J. K., M.P., Kikuyu.
22. GICHUOYA, THE HON. K. N., M.P., Gichugu.
23. GICHURU, THE HON. J. S., M.P., Limuru.
24. GODANA, THE HON. E. D., M.P., Rendile.
25. GODAN, THE HON. G., M.P., Marsabit-Moyale.
26. GODIA, THE HON. C. S. L., M.P., Hamisi.
27. IHUKU, THE HON. S., M.P., Nyambene North.
28. JAMAL, THE HON. A. H., M.P., Kisumu Town.
29. JURAT, THE HON. M., M.P., Garissa South.
30. KAGGIA, THE HON. B. M., M.P., Kandara.
31. KALI, THE HON. J. D., M.P., Nairobi East.
32. KAMAU, THE HON. W., M.P., Githunguri.
33. KAMUREN, THE HON. W. R. ARAP, M.P., Baringo East.
34. KARIUKI, THE HON. G. M.P., Laikipia-Nanyuki.
35. KARIUKI, THE HON. J. M., M.P., Aberdare.
36. KASE, THE HON. J. Z., M.P., Tana River.
37. *KENYATTA, THE HON. Mzee J. M.P., Thika-Gatundu.
38. KERICH, THE HON. A. K. ARAP, M.P., Belgui.
39. KERRE, THE HON. G. H., M.P., Elgon Central.
40. KHULIP, THE HON. A. S., M.P., Wajir North.
41. KHUSAKIMALA, THE HON. E. E., M.P., Emukhaya.
42. KIMBA, THE HON. D. I., M.P., Machakos Central.
43. §KIANO, THE HON. DR. J. G., PILD., M.P., Kangema.

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

44. ||KIBAKI, THE HON. M., M.P., Nairobi Doonholm.
45. KIBUGA, THE HON. J. N., M.P., Ndia.
46. KIOKO, THE HON. S. M., M.P., Machakos East.
47. KIPROTICH, THE HON. C., M.P., Kericho East.
48. §KONINGE, THE HON. M., M.P., Klamban.
49. ||KONCHELLAH, THE HON. J. L. N. OLE, M.P., Narok West.
50. ||KUBAI, THE HON. F. P. K., M.P., Nakuru East.
51. LOREMA, THE HON. J. P., M.P., West Pokot.
52. MAISOIRI-ITUMBO, THE HON. B. C., M.P., Kuria.
53. MAKOKHA, THE HON. C. C., M.P., Elgon South-West.
54. MAKONE, THE HON. O., M.P., Kituu East.
55. MALU, THE HON. W. M. K., M.P., Machakos West.
56. MASINDE, THE HON. J. W., M.P., Lurambi.
57. ||MATANGI, THE HON. R. S., M.P., Kwale East.
- (2) 58. MATI, THE HON. B., M.P., Meru Central.
59. MATI, THE HON. F. M. G., M.P., Kitui North.
60. MAAI, THE HON. P. N., M.P., Kitui South.
61. MBOCHI, THE HON. G. J., M.P., Embu North.
62. §MBOYA, THE HON. T. J., M.P., Nairobi Central.
63. §MOI, THE HON. D. T. ARAP, M.P., Baringo North.
64. ||MOSS, THE HON. D. C. N., M.P., Mount Elgon.
65. MULAMA, THE HON. A. O., M.P., Mumias.
66. MUIRO, THE HON. M., M.P., Trans Nzoia.
67. §MUNGAI, THE HON. DR. N., M.P., Nairobi West.
68. ||MURGOR, THE HON. W. C., M.P., Elgeyo.
69. MURULI, THE HON. J., M.P., Ikolomani.
70. §MURUMBI, THE HON. J. A., M.P., Nairobi South.
71. ||MUTISO, THE HON. G. M., M.P., Yatta.
72. MWALWA, THE HON. T. M., M.P., Kitui East.
73. MWAMZANDI, THE HON. K. B., M.P., Kwale East.
74. §MWANYUMBA, THE HON. D., M.P., Wundanyi.
75. MWATSAMA, THE HON. J. J., M.P., Kilifi North.
76. §MWENDWA, THE HON. E. N., M.P., Kitui Central.
77. NDILE, THE HON. J. K., M.P., Machakos South.
78. NGALA, THE HON. R. G., M.P., Kilifi South.
79. NGALA-ABOK, THE HON. C. B., M.P., Homa Bay.
80. §NGEI, THE HON. P. J., M.P., Machakos North.
81. ||NJERU, THE HON. J., M.P., Tharaka.
82. ||NIIRI, THE HON. K. K., M.P., Kigumo.
- (3) 83. NYABERI, THE HON. J. O., M.P., North Mugirango.
84. NYAGA, THE HON. P., M.P., Meru South.
85. ||NYAGAH, THE HON. J. J. M., M.P., Embu South.
86. ||NYAMWEYA, THE HON. J., M.P., Nyaribari.
87. OBOK, THE HON. L. R., M.P., Alego.
88. ||ODERO-JOWI, THE HON. J., M.P., Lambwe.
89. ODERO-SAR, THE HON. J., M.P., Ugenya.
90. †ODINGA, THE HON. A. O., M.P., Bondo.
91. ODUYA, THE HON. G. F., M.P., Elgon West.
92. OGLE, THE HON. A. A., M.P., Wajir South.
93. ||OKELO-ODONGO, THE HON. T., M.P., Kisumu Rural.
94. OKWANYO, THE HON. J. H., M.P., Migori.
95. ||OLOITIPITIP, THE HON. S. S. OLE, M.P., Kajiado.
96. OMAR, THE HON. S. T., M.P., Mombasa Island South.
97. OMWERI, THE HON. S. K., M.P., Wanjare-South Mugirango.
98. ||ONAMU, THE HON. H. J., M.P., Nakuru West.
99. OSELE NYALICK, THE HON. L. W., M.P., Winam.
100. ||OSOGO, THE HON. J. C. N., M.P., Ruwamba.
101. §OTIENDER, THE HON. J. D., M.P., Vihiga.
102. PANDYA, THE HON. A. J., M.P., Mombasa Island North.

LIST OF MEMBERS—(Contd.)

Assistant Ministers—(Contd.)

MINISTRY OF LOCAL GOVERNMENT (The Hon. K. K. Njiri, M.P.).
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3. AGAN, THE HON. E. O., M.P., Karachuonyo.
4. AMIN, THE HON. S. M., M.P., Mandera.
5. § ANGUINE, THE HON. J. H., M.P., Meru West.
6. ANYENI, THE HON. Z. M., M.P., Majoje-Bassi.
7. AREMAN, THE HON. P. A., M.P., Turkana North.
8. § ARGWINGS-KODIEK, THE HON. C. M. G., M.P., Gem.
9. § AYODO, THE HON. S. O., M.P., Kasipul-Kabondo.
10. BAHU, THE HON. M., M.P., Mombasa Mainland.
11. BALA, THE HON. O., M.P., Nyando.
12. BARASA, THE HON. M., M.P., Elgon-East.
- (1) 13. BIY, THE HON. A. K. ARAP, M.P., Buret.
14. BONAYA, THE HON. A. W., M.P., Isiolo.
15. CHOGI, THE HON. S. K. ARAP, M.P., Nandi South.
16. DE SOUZA, THE HON. DR. F. R. S., PH.D., M.P., Nairobi North-West.
17. DINGIRIA, THE HON. A. H., M.P., Taveta Vol.
18. EKITELLA, THE HON. G. K., M.P., Turkana South.
19. § GACHAGO, THE HON. J. M., M.P., Kiharu.
20. GACIATTA, THE HON. A. L., M.P., Nyambene South.
21. GATIGUTA, THE HON. J. K., M.P., Kikuyu.
22. GICHUOYA, THE HON. K. N., M.P., Gichugu.
23. § GICHURU, THE HON. J. S., M.P., Limuru.
24. GODANA, THE HON. E. D., M.P., Rendile.
25. § GODANA, THE HON. G., M.P., Marsabit-Moyale.
26. GODIA, THE HON. C. S. L., M.P., Hamisi.
27. ITHURAL, THE HON. S., M.P., Nyambene North.
28. JAMAL, THE HON. A. H., M.P., Kisumu Town.
29. JUBAT, THE HON. M., M.P., Garissa South.
30. KAGGIA, THE HON. B. M., M.P., Kandara.
31. KALI, THE HON. J. D., M.P., Nairobi East.
32. KAMAU, THE HON. W., M.P., Githunguri.
33. KAMUKEN, THE HON. W. R. ARAP, M.P., Baringo East.
34. KARIUKI, THE HON. G. G., M.P., Laikipia-Nanyuki.
35. KARIUKI, THE HON. J. M., M.P., Aberdare.
36. KASE, THE HON. J. Z., M.P., Tana River.
37. § KENYATTA, THE HON. MZE J., M.P., Thika-Gatundu.
38. KERICH, THE HON. A. K. ARAP, M.P., Belgut.
39. KERRE, THE HON. G. H., M.P., Elgon Central.
40. KIHILJI, THE HON. A. S., M.P., Wajir North.
41. KIHUSKILALA, THE HON. E. E., M.P., Emukhaya.
42. KIMBA, THE HON. D. I., M.P., Machakos Central.
43. § KINNO, THE HON. DR. J. G., PH.D., M.P., Kangema.

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

44. § KIBAKI, THE HON. M., M.P., Nairobi Doonholm.
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46. KIKOKI, THE HON. S. M., M.P., Machakos East.
47. KIPROTICH, THE HON. C., M.P., Kericho East.
48. § KOINANGE, THE HON. M., M.P., Kiambaa.
49. § KONCHELLAH, THE HON. J. L. N. OLE, M.P., Narok West.
50. § KUBAI, THE HON. F. P. K., M.P., Nakuru East.
51. LOREMA, THE HON. J. P., M.P., West Pokot.
52. MAISORI-ITUMBO, THE HON. B. C., M.P., Kuria.
53. MAKOKHA, THE HON. C. C., M.P., Elgon South-West.
54. MAKONE, THE HON. O., M.P., Kitutu East.
55. MALU, THE HON. W. M. K., M.P., Machakos West.
56. MASINDE, THE HON. J. W., M.P., Lurambi.
57. § MATANO, THE HON. R. S., M.P., Kwale West.
- (2) 58. MATE, THE HON. B., M.P., Meru Central.
59. MATI, THE HON. F. M. G., M.P., Kitui North.
60. MBAL, THE HON. P. N., M.P., Kitui South.
61. MBOGO, THE HON. G. J., M.P., Embu North.
62. § MBOYA, THE HON. T. J., M.P., Nairobi Central.
63. § MOI, THE HON. D. T. ARAP, M.P., Baringo North.
64. § MOSS, THE HON. D. C. N., M.P., Mount Elgon.
65. MULAMA, THE HON. A. O., M.P., Mumias.
66. MULIRO, THE HON. M., M.P., Trans Nzola.
67. § MUNGAI, THE HON. DR. N., M.P., Nairobi West.
68. § MURGOR, THE HON. W. C., M.P., Elgeyo.
69. MURULI, THE HON. J., M.P., Ikolomani.
70. § MURUMBI, THE HON. J. A., M.P., Nairobi South.
71. § MUTISO, THE HON. G. M., M.P., Yatta.
72. MWALWA, THE HON. T. M., M.P., Kitui East.
73. MWANZANDI, THE HON. K. B., M.P., Kwale East.
74. § MWANYUMBA, THE HON. D., M.P., Wundanyi.
75. MWATSAMA, THE HON. J. J., M.P., Kilifi North.
76. § MWENDWA, THE HON. E. N., M.P., Kitui Central.
77. NDILE, THE HON. J. K., M.P., Machakos South.
78. NGALA, THE HON. R. G., M.P., Kilifi South.
79. NGALA-ADOK, THE HON. C. B., M.P., Homa Bay.
80. § NGEI, THE HON. P. J., M.P., Machakos North.
81. § NJERU, THE HON. J., M.P., Tharaka.
82. § NJIRI, THE HON. K. K., M.P., Kigumo.
- (3) 83. NYABERI, THE HON. J. O., M.P., North Mugirango.
84. NYAGA, THE HON. P., M.P., Meru South.
85. § NYAGAH, THE HON. J. J. M., M.P., Embu South.
86. § NYAMWEYA, THE HON. J., M.P., Nyaribari.
87. OOK, THE HON. L. R., M.P., Alego.
88. § ODERO-JOWI, THE HON. J., M.P., Lambwe.
89. ODERO-SAR, THE HON. J., M.P., Ugenya.
90. § ODINGA, THE HON. A. O., M.P., Bondo.
91. ODUYA, THE HON. G. F., M.P., Elgon West.
92. OGLE, THE HON. A. A., M.P., Wajir South.
93. § OKELO-ODONGO, THE HON. T., M.P., Kisumu Rural.
94. OKWANYO, THE HON. J. H., M.P., Migori.
95. § OLOITIPITI, THE HON. S. S. OLE, M.P., Kajjado.
96. OMAR, THE HON. S. T., M.P., Mombasa Island South.
97. ONWERT, THE HON. S. K., M.P., Wanjars-South Mugirango.
98. § ONAMU, THE HON. H. J., M.P., Nakuru West.
99. OSELE NYALICK, THE HON. L. W., M.P., Winam.
100. § OSOGO, THE HON. J. C. N., M.P., Ruwamba.
101. § OTIENDE, THE HON. J. D., M.P., Vihiga.
102. PANDYA, THE HON. A. J., M.P., Mombasa Island North.

- 1666 For "Mr. Bomett", read "Assistant Minister for Works, Communications and Power (Mr. Bomett)".
- 1758 For "Mr. G. Godana", read "Assistant Minister for Works, Communications and Power (Mr. G. Godana)".
- 1771 Under Question No. 2018, For "Assistant Minister for Lands and Settlement (Mr. Nyagah)", read "Assistant Minister for Lands and Settlement (Mr. Gachago)".
- 1826 The Speaker (Mr. Slade): (Inaudible). Insert "no" in the space.
- 1900 For "Mr. Gachago", read "Assistant Minister for Lands and Settlement (Mr. Gachago)".
- 1987 Top of Column. For "Mr. Gichoya", read "Mr. Kagga".
- 2134
- 2135 &
- 2137 For "Mr. Nyagah", read "Mr. Nyaga" wherever it appears.

THE NATIONAL ASSEMBLY HOUSE OF REPRESENTATIVES

LIST OF MEMBERS

(1st Assembly—2nd Session Continued—1963-1964-1965)

As at 2nd April 1965

Ministers:

THE PRESIDENT (His Excellency, The Hon. Mzee Jomo Kenyatta, M.P.).
VICE-PRESIDENT AND MINISTER WITHOUT PORTFOLIO (The Hon. A. Oginga Odinga, M.P.).
MINISTER FOR FINANCE (The Hon. J. S. Gichuru, M.P.).
MINISTER FOR EXTERNAL AFFAIRS (The Hon. J. A. Murumbi, M.P.).
MINISTER FOR ECONOMIC PLANNING AND DEVELOPMENT (The Hon. T. J. Mboya, M.P.).
MINISTER FOR INTERNAL SECURITY AND DEFENCE (The Hon. Dr. N. Mungai, M.P.).
MINISTER FOR AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. B. R. McKenzie, D.S.O., D.F.C., M.P.).
MINISTER FOR EDUCATION (The Hon. M. Koinange, M.P.).
MINISTER FOR HEALTH AND HOUSING (The Hon. J. D. Otiende, M.P.).
MINISTER FOR LOCAL GOVERNMENT (The Hon. L. G. Sagini, M.P.).
MINISTER FOR COMMERCE AND INDUSTRY (The Hon. Dr. J. G. Kiara, Ph.D., M.P.).
MINISTER FOR WORKS, COMMUNICATIONS AND POWER (The Hon. D. Mwanjumba, M.P.).
MINISTER FOR LABOUR AND SOCIAL SERVICES (The Hon. N. Mwendwa, M.P.).
MINISTER FOR INFORMATION, BROADCASTING AND TOURISM (The Hon. R. Achieng-Oneko, M.P.).
MINISTER FOR LANDS AND SETTLEMENT (The Hon. J. H. Angaine, M.P.).
MINISTER FOR NATURAL RESOURCES AND WILDLIFE (The Hon. S. O. Ayudo, M.P.).
MINISTER FOR HOME AFFAIRS (The Hon. D. T. arap Moi, M.P.).
MINISTER FOR CO-OPERATIVES AND MARKETING (The Hon. P. J. Ngei, M.P.).

Ex Officio Members:

THE ATTORNEY-GENERAL (The Hon. C. Njonjo).

Assistant Ministers:

PRESIDENT'S OFFICE (The Hon. J. Nyamweya, M.P.).
VICE-PRESIDENT'S OFFICE (The Hon. Dr. F. L. M. Waiyaki, M.P.).
MINISTRY OF FINANCE (The Hon. T. Okelo-Odongo, M.P.).
MINISTRY OF EXTERNAL AFFAIRS (The Hon. R. S. Matano, M.P.).
MINISTRY OF ECONOMIC PLANNING AND DEVELOPMENT (The Hon. Mwai Kibaki, M.P.).
MINISTRY OF INTERNAL SECURITY AND DEFENCE (The Hon. C. M. G. Argwings-Kodhek, M.P.).
MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. J. C. N. Osogo, M.P., and The Hon. W. C. Murgor, M.P.).
MINISTRY OF EDUCATION (The Hon. J. Konchellah, M.P., and The Hon. G. M. Mutiso, M.P.).
MINISTRY OF HEALTH AND HOUSING (The Hon. D. Moss, M.P.).

**CORRIGENDA TO THE OFFICIAL REPORT OF THE HOUSE OF
REPRESENTATIVES (VOLUME IV)**

- Col. No.*
- 52 Written Reply to Question No. 774 for "The Minister for Justice and Constitutional Affairs" read "The Attorney-General (Mr. Njonjo)".
- 138 For "Mr. G. Godana", read "Mr. E. D. Godana".
- 140 For "Mr. G. Godana", read "Mr. E. D. Godana".
- 158 For "Mr. Ekitella" giving Notice of his Motion, read "Mr. Areman".
- 174 For "Mr. Kmoru" asking Question No. 883, read "Mr. Komora".
- 184
- 188 For "The Attorney-General (Mr. Njonjo)" read "The Minister for Internal Security and Defence (Dr. Mungai)", wherever it occurs.
- 206 &
- 207 For "Mr. Masine", read "Mr. Masinde".
- 260 Under "Supplementary Estimate No. 3", before Chairman speaks, insert Heading: "Vote 1—Head A.7."
- 372 For "Mr. Mokone", read "Mr. Makone".
- 446
- 447 Question No. 814. For "Mr. Odero-Jowi" read "The Assistant Minister for Labour and Social Services (Mr. Kubai)".
- 453 Delete "Motion: Appointments to the Sessional Committee" and insert "Point of Order: Ruling on Motions of Same Substance".
- 454 At the end of Mr. Mwamzandi's speech and before the Assistant Minister in the Vice-President's Office starts speaking, insert "Motion: Appointments to the Sessional Committee".
- 470 Where Mr. Mwanyumba speaks, insert "Minister for Works, Communications and Power" before his name.
- 470 For "Chairman", read "The Deputy Speaker (Dr. De Souza)".
- 525 Top of Column. For "Assistant", read "Minister for Economic Planning and Development".
- 569 For "Notice of Motion", read "Ruling on Notice of Motion".
- 618 Mr. Gataguta interrupting on a point of order. For "Mwea-Tabere", read "Mwea-Tebere".
- 1073
- 1081 Top of Column. For "Bill—Second Reading—Broadcast Receiving (Licensing) Bill", read "Motion on Adjournment—Cost of Land in Kenya Highlands".
- 1153 Top of Page. For Title under the Notice of Motion, read "Merging of Statutory Boards".
- 1227 For "Mr. Mutiso", read "Assistant Minister for Education (Mr. Mutiso)".
- 1368 Title to Question No. 983. For "Difficulty in Obtaining Free Seedlings", read "Difficulty in Obtaining Tree Seedlings".
- 1379 Bottom of Column under Point of Order. Title should read "Mover of Motion for Suspension of Member".
- 1520 Title for Notice of Motion for the Adjournment should read "Appointment of Chiefs in Muranga".
- 1570
- 1572 After Minister for Lands and Settlement (Mr. Angaine) speaks, and before Mr. Ngala, should be inserted a Title, "Point of Order: Questions on the Order Paper"; and this continues till Question No. 1087 on Column 1572.
- *1644 For "Assistant Minister for Information, Broadcasting and Tourism (Mr. Qloitipitip)", read "Mr. Onamu".

DAYS OF SITTING

<i>Day</i>	<i>Column No.</i>
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Friday, 7th May	1953-2006
Tuesday, 11th May	2009-2063
Wednesday, 12th May	2065-2140



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
HOUSE OF
REPRESENTATIVES
OFFICIAL REPORT

FIRST PARLIAMENT INAUGURATED
7th JUNE 1963

Vol. IV

Second Session (Contd.)
Monday, 14th December 1964
to
Wednesday, 12th May 1965